

Standards Committee

Agenda

Members of the Standards Committee:

Mr N Brennan (Chairman)
Mr K Leggett (Vice Chairman)
Mrs B Cook
Mr D Roper
Ms C Ryman-Tubb

Co-opted Town and Parish Council Members:

Ms M Evans
Mrs R Goodall
Mr K Wilkins

Date & Time:

Monday 26 July 2021 at 10.00am

Place:

Council Chamber Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich

Contact:

James Overy tel (01603) 430540
Email: committee.services@broadland.gov.uk
Website: www.broadland.gov.uk

PUBLIC ATTENDANCE:

If a member of the public would like to observe the meeting in person, please email your request to committee.services@broadland.gov.uk, no later than 5.00pm Wednesday 21 July 2021.

Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

AGENDA

1. To report apologies for absence;

2. To receive Declarations of Interest from Members;

(Please see guidance form and flow chart attached – page 3)

3. Minutes of the last Standards Committee Hearing held on 3 April 2019;

(attached page 7)

4. Exclusion of the Public and Press;

The Committee is asked to consider whether to:

- a) Release the below reports and any appendices to the public and press, or
- b) Exclude the public and the press from the meeting under Section 100A of the Local Government Act 1972 for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act (as amended)

5. Consideration of Complaint against Cllr X;

(Monitoring Officer's Report – (page 9)
(Investigating Officer's Report – page 12)
(Response from Cllr X - (page 117)

Please note that due to the large number of documents received from third parties, not all of the above papers are in accessible format.

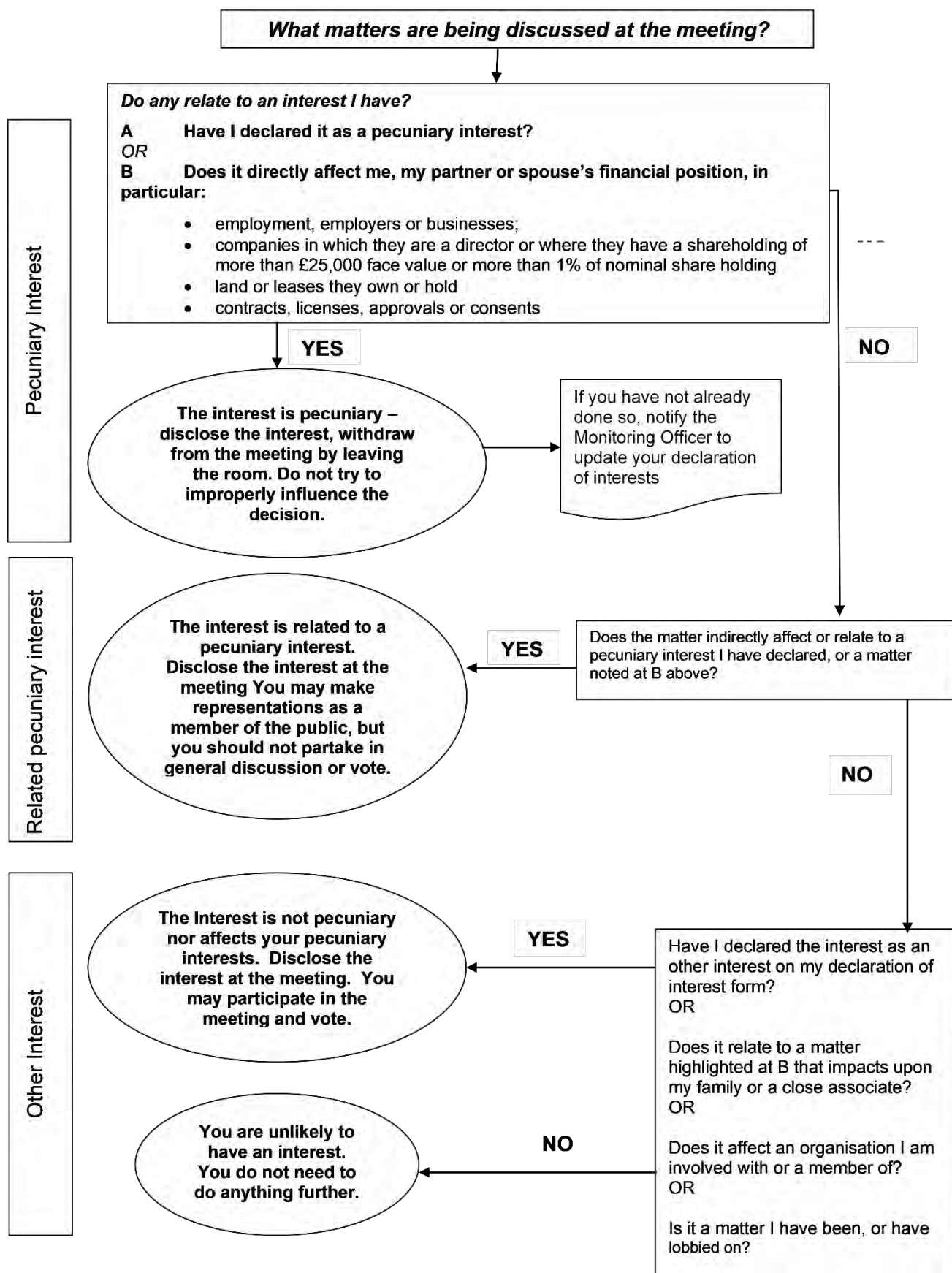
DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> 1. affect yours, or your spouse / partner's financial position? 2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner? 3. Relate to a contract you, or your spouse / partner have with the Council 4. Affect land you or your spouse / partner own 5. Affect a company that you or your partner own, or have a shareholding in <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE**

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



STANDARDS HEARING PROCEDURE

1. Formal Introductions of those present by the Chairman

- Members introduced
- Officers introduced
 - Monitoring Officer (MO) and any Deputies present
 - Investigating Officer
 - Independent Person
 - Committee Officer

2. Preliminary Issues

- Confirm Members interests disclosed in accordance with Code of Conduct.
- Confirm meeting is quorate.
- If the subject member is not present, decide whether to proceed.
- Confirm role of anyone accompanying the Subject Member.
- Confirm whether the meeting will be held in public or in private session. If the meeting will be held in public session, confirmation that the Committee may decide to make their determination in private.
- Chairman to advise of the process to be followed for the Hearing.
- Determine whether any witnesses are present, and whether they have been presented by the Subject Member, Investigating Officer or Complainant. Determine whether the witnesses will be allowed to speak if no prior notice has been given.

3. Hearing of complaint and findings

- MO to present their report and draw the Committee's attention to areas of focus.
- Investigating Officer to present their report and findings of fact, and conclusion regarding whether the Code of Conduct has been breached. They may invite any of their own witnesses to speak.
- Complainant to make any further comments.
- Committee invited to question the Investigating Officer, complainant, and their witnesses.
- Subject member to make their representation to support their version of the fact (outlining any facts that they disagree with), make any further comments, and explain why they believe they have not breached the Code. The Subject member to invite any of their own witnesses to speak.
- Committee may question the subject or their witnesses.
- If there is a disagreement, the investigator, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the committee's permission, the investigator may call any necessary supporting witnesses to give evidence. The committee may give the member an opportunity to challenge any evidence put forward by any witness called by the investigator.
- The Independent Person to present their views to the Committee.
- The Committee may ask further questions of the Independent Person, and any of the other parties present.
- The Subject Member should be invited to make any final relevant points.

4. Determination

- The Committee may resolve to close the meeting to deliberate in private.
- If so, the Committee to ask the Subject member, Complainant and any witnesses, members of the public and press to leave the room.
- Committee to determine the finding of facts and whether the member failed to follow the Code of Conduct.
- Committee to determine any sanctions or recommendations as a result of their findings as to whether the member breached the Code of Conduct.
- Committee to determine whether a formal press notice should be issued in respect of their findings.

5. Confirmation

- All parties are recalled to the meeting.
- The Chairman to summarise the Committee's deliberations and announce their findings of fact and whether the member has breached the Code of Conduct.
- The Chairman to confirm any sanctions to be undertaken (or, in respect of Parish Councillors, to be recommended to the Parish Council).
- The Chairman to confirm that a decision notice will be placed on the Council's website and available for public inspection and confirm whether a press notice will be issued.
- Chairman to close the meeting.

Notes on the outcomes of Standards Committee Hearings:

The decision of the Standards Committee is final. There are no further rights of appeal.

The Committee may decide on the following Sanctions where they identify that a Councillor has breached the Code of Conduct:

- No Sanction
- Training
- Mediation
- Public Apology
- Censure (written reprimand)
- Recommendation for removal from appointments
- Recommendation for removal of Council assets

When determining the sanctions that should be employed, the Committee may take into account any subsequent action undertaken by the Councillor to remedy the breach (for example, receipt of training or apology).

In respect of District Councillors, the Monitoring Officer is charged with ensuring that the necessary action is undertaken, including making recommendations to Council where necessary. The subject member will receive formal written notification within two weeks of the hearing as to the outcome of the meeting and any sanctions to be undertaken.

In respect of Parish Councillors, the Monitoring Officer will notify the Parish Clerk within two weeks of the hearing of the outcome. The Parish Council is required to consider the Committee's findings and determine whether they agree with the findings or propose other action to be taken.

Minutes of a meeting of the **Standards Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Wednesday 3 April 2019** at **11am** when there were present:

Mr R J Knowles – Chairman

Elected Members

Mr R F Grady
Mr K G Leggett MBE
Mr D Roper

Co-opted Parish and Town Council Members

Mr N Brennan
Ms R Goodall
Mr V J Pennells
Mrs M Temple

Also in attendance were the Head of Democratic Services & Monitoring Officer and the Senior Committee Officer.

1 APOLOGIES FOR ABSENCE

No apologies for absence had been received.

2 MINUTES

The Minutes of the meeting held on 6 November 2017 were confirmed as a correct record and signed by the Chairman.

Minute no: 3 – Code of Practice for Planning Members

Members expressed their pleasure at Council accepting all of the changes proposed by the Committee.

3 MONITORING OFFICER'S REPORT – NOVEMBER 2017 TO APRIL 2019

In introducing his report, the Head of Democratic Services & Monitoring Officer advised the Committee that this was his last meeting of the Standards Committee. The Council would be appointing its new Monitoring Officer at its meeting on 25 April 2019.

In terms of the report, this supported assurance statements included in the draft Annual Governance Statement and provided a review of the Monitoring Officer's work as part of the Council's governance arrangements and system of internal control. The reporting period covered a slightly extended period as it was aimed at covering off the time leading up to the introduction of the new senior management structure as part of the collaboration work with South Norfolk Council. Appended to the report was a summary of the Code of

Conduct complaints for the same period, together with the outcome.

The Head of Democratic Services & Monitoring Officer reported that a considerable amount of work had taken place behind the scenes, particularly with parish and town councils. There had been issues with two parish councils in particular, which had ceased to function for a period of time. He had recently been appointed to serve on Blickling Parish Council but it was anticipated they would have sufficient parish councillors after 2 May. Historically, the parish council had not undergone any elections for the past 30 years; with the third generation of a family chairing the meetings. However, all the parish councilors had recently resigned and there was a suggestion that the parish council be disbanded. However, a number of people had subsequently expressed their interest in joining the parish council and five were co-opted as parish councilors. In addition, a number of nominations had been received for the forthcoming parish council elections on 2 May. The Clerk had advised that she would shortly be retiring and the Clerk to Aylsham Town Council had subsequently agreed to assist for the next 12 months.

Gt Witchingham Parish Council had gone through a particularly difficult period; this was mainly due to personality issues with the parish councilors resulting in “tit for tat” complaints but also some issues with the Parish Clerk. However, all issues had now been resolved and the parish council was fully functional.

The Head of Democratic Services & Monitoring Officer concluded that training would be provided by the new Monitoring Officer fairly early in the new municipal year.

On behalf of the Committee and Members generally, the Chairman thanked the Head of Democratic Services & Monitoring Officer for all his good work in the past and wished him well for the future.

The meeting closed at 11:08am

Monitoring Officer Report

Background

Broadland District Council received a complaint from David Lowe of the Bure Valley Railway (BVR) on 25 November 2020, against Cllr Karen Lawrence. BVR leases the land, from Broadland District Council, on which the railway is situated.

The complaint centres on a number of occasions in late November 2020 when Cllr Lawrence used the public footpath along the railway and interacted with individuals undertaking work on the railway site, adjacent to the footpath. Prior to this, Cllr Lawrence had contacted Broadland District Council officers, in order to discuss a number of matters regarding the BVR. It is understood that there is history of community involvement relating to how the BVR manage the vegetation along the line.

Reason for Hearing

The Investigator has concluded that some of the allegations have been upheld and, in her view, the Code of Conduct has been breached by Cllr Lawrence in respect of 3.5, 3.10 and 3.11, as detailed below:

***3. 5** Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.*

***3. 10** Always treating people with respect, including the organisations and public I engage with and those I work alongside.*

***3.11** Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.*

Cllr Lawrence disputes the allegations and the findings within the report, therefore the Monitoring Officer and Independent Person have elected that this case should be referred to a hearing of the Standards Committee in order to evaluate the complaint and make a final determination.

Potential Areas of Focus

The complainant's main area of concern is the way that Cllr Lawrence conducted herself when speaking to staff who she encountered when using the public footpath near the BVR line.

Key areas of contention are outlined below, and it may be helpful for the Committee to focus on the following matters:

1. Was Cllr Lawrence acting in her capacity as a councillor during the incidents in question?

The investigating officer concluded that Cllr Lawrence was in capacity at the time of the incidents. Cllr Lawrence disagrees and argues that she was only acting in her capacity as a councillor on one occasion (20 November 2020).

CONSIDERATION FOR THE COMMITTEE:

Does the Committee find Cllr Lawrence was in capacity on all occasions referenced in the complaint? The Committee could consider whether the impression was given that Cllr Lawrence was in a capacity and whether a member of public could reasonably assume that she was.

2. Does the Committee consider that Cllr Lawrence listened to the interests of all parties, including relevant advice from statutory and other professional officers (as referred to in part 3.5 in the Code of Conduct)?

The investigating officer finds that Cllr Lawrence did not listen to the views of the BVR and was not objective in doing so. She also considers that Cllr Lawrence should have waited for advice from BDC officers, which did confirm that they could not take action against the BVR. Cllr Lawrence argues that she sought professional advice from BDC officers and a number of other professional bodies and that the delay in officers' responses led to her taking this up with the BVR directly. She has also provided evidence in the form of an email, in which she outlined her conversation with BVR staff which she considers demonstrates that she took on board their comments, as contained in the evidence pack (evidence 8).

CONSIDERATION FOR THE COMMITTEE:

Has Cllr Lawrence provided sufficient evidence to prove that she sought any relevant advice required from BDC regarding the works being undertaken and that she listened to the views of BVR staff?

3. Did Cllr Lawrence conduct herself in an intimidating and confrontational manner? (as referred to in part 3.10 of the Code of Conduct)

The Investigating Officer found that, when interacting with staff, volunteers and contractors of BVR, Cllr Lawrence conducted herself in an intimidating and confrontational manner, and that she did not treat the members of the BVR with respect. As a result, she finds Part 3.10 of the Code has been breached.

Cllr Lawrence disputes that she shouted and conducted herself in an intimidating and confrontational manner. She has submitted a further witness statement from an individual who claims that she was talking very quietly, as contained in Cllr Lawrence's response to the final report at page 134.

CONSIDERATION FOR THE COMMITTEE:

The Committee need to consider the weight to be given to the new evidence provided by Cllr Lawrence in the form of an additional witness statement. How much of the whole conversation did he hear and therefore how much insight does this provide? Does the time elapsed between the events (November 2020) and statement being provided (June 2021) affect the witness's recollection?

On balance, does the Committee consider that the evidence provided by the people affected and how the repeated interactions with Cllr Lawrence made them feel, constitutes a breach of the Code of Conduct (as referred to in part 3.10 – *always treating people with respect, including the organisations and public I engage with and those I work alongside*)? Does the consistent view of multiple BVR staff outweigh the evidence of Cllr Lawrence, as outlined by the investigator?

4. Did Cllr Lawrence provide leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority? (as referred to in Part 3.11 of the Code of Conduct)

The Investigating Officer concluded that “Cllr Lawrence clearly champions the views of herself and some members of the community who do not share the beliefs of the Bure Valley Railway as to how the land should be managed”, but found that Cllr Lawrence had been challenging and hostile when questioning members of the BVR, behaving in an intimidating and confrontational manner towards them. Therefore, in her view, this part of the Code was breached as Cllr Lawrence had not acted in accordance with the principles 3.5 and 3.10 of the Code when championing the interests of the community with the BVR and with Broadland Council.

Cllr Lawrence maintains that she has demonstrated through various documents submitted as evidence that she provides leadership when championing the interests of the community, as contained in her response to the final report at page 117.

CONSIDERATION FOR THE COMMITTEE:

Did the questions asked of BVR staff constitute a ‘reasonable challenge’ based on legitimate concerns? Did Cllr Lawrence have a right to approach the workers? There is no dispute that Cllr Lawrence champions the views of the community, but the Committee needs to consider whether she ‘showed leadership through behaving in accordance with these principles’ when doing so.

Emma Hodds

Monitoring Officer – Broadland District Council

Investigation Report

Complaint against Councillor Karen Lawrence

Background

A complaint was made against Councillor Karen Lawrence by Mr. David Lowe, dated 25th November 2020. The complaint form was accompanied by a detailed letter of complaint of the same date to the Monitoring Officer for Broadland District Council, Emma Hodds.

In his complaint form, Mr Lowe describes himself as a member of the public but it is clear that he is making the complaint in his capacity as a director of Bure Valley Railway based in Aylsham.

Councillor Lawrence is a Broadland District Councillor representing the Buxton ward.

Details of the complaint are set out below in the section headed **Complaint**.

nplaw was instructed to conduct an investigation into the complaint by Sue White, Deputy Monitoring Officer at Broadland District Council, on 22nd December 2020. The matter was allocated to me to conduct the investigation. I confirm that I have had no prior dealings with the complainant or the subject of the investigation. I am a qualified solicitor. I have detailed knowledge of the standards regime and its requirements. In preparing this report, I have had regard to the guidance provided to me by Broadland District Council on how investigations should be undertaken and I have read the Code of Conduct applicable to councillors of Broadland District Council.

I have listed below in the section headed **Evidence relied upon** the people I have spoken with and the documents I have read in relation to this matter. These have all contributed to the findings contained within this report.

I have explored with Councillor Lawrence whether she could put forward any witnesses on her behalf who would assist the investigation. However, there was no-one else who had directly witnessed Councillor Lawrence's interactions with staff and volunteers from the Bure Valley Railway.

Councillor Lawrence and the application of the Code

As stated above, the subject of this complaint is Councillor Karen Lawrence. Cllr Lawrence was elected as a Broadland District Councillor for the Buxton ward in 2019.

As the first thing I must consider, during my investigation, I have endeavoured to establish whether Cllr Lawrence was acting in her capacity as a councillor when the alleged behaviours took place.

In his complaint letter, Mr Lowe states that Cllr Lawrence “was, on at least one occasion, wearing a council lanyard and identified herself as a councillor. She was therefore purporting to be acting in an official capacity”.

However, none of the witnesses I have spoken to recall Cllr Lawrence wearing a council lanyard and Cllr Lawrence herself says that she did not wear one on the dates in question.

Nevertheless, both Cllr Lawrence and witnesses state that she did on at least one occasion use her title of Councillor when interacting with employees and volunteers of BVR. Cllr Lawrence spoke with Mr Clark about council budgets and the lease between the BVR and Broadland District Council.

I find that Cllr Lawrence was acting in her capacity as councillor during the incidents complained of and that the Members’ Code of Conduct for Broadland District Council is engaged.

Complaint

The Bure Valley Railway holds a 125 year lease from Broadland District Council over council land which enables the railway to operate.

Councillor Lawrence has expressed concerns over the way in which the BVR manages the land.

The complaint alleges that:

1. In November 2020, Cllr Lawrence made several uninvited visits to a site where staff, volunteers and contractors of the Bure Valley Railway were working and challenged the necessity of the work being undertaken.
2. Councillor Lawrence failed to contact the management of the Bure Valley Railway to express her concerns about the work being undertaken or seek advice from Council Officers prior to acting
3. When interacting with staff, volunteers and contractors of Bure Valley Railway, Councillor Lawrence conducted herself in an intimidating and confrontational manner.
4. Councillor Lawrence took photographs of staff without their consent despite being requested not to do so.

I have set out my findings on each of these issues below:

Complaint section 1

In November 2020, Cllr Lawrence made several uninvited visits to a site where staff, volunteers and contractors of the Bure Valley Railway were working and challenged the necessity of the work being undertaken.

Cllr Lawrence and the Bure Valley Railway members I have spoken to agree that Cllr Lawrence has made multiple visits to the worksite.

Cllr Lawrence told me that, on most occasions, she was on a bike ride or a walk along the footpath in a personal capacity and happened to come across work being undertaken. However, she had been informed by residents that someone was burning vegetation along the footpath on the 19th November and took a bike ride there the following day; and on 24th November, she had been asked by the parish council to take photographs of fallen trees blocking the river, so did a long loop journey for that purpose.

Cllr Lawrence accepts that she did speak with those undertaking work and questioned them about what they were doing. The visits were;

On 20th November - Cllr Lawrence encountered Ben Goose undertaking flailing and shouted at him to stop working. Cllr Lawrence then spoke with Stuart Clark for at least 90 minutes. Mr Clark describes her as criticising the work and questioning him about using pesticides. Cllr Lawrence accepts that she was asking a number of questions. It is clear from Cllr Lawrence's account that she did attend the site on the 20th November. She refers to persons who arrived after she had had her conversations with those engaged to work on the Bure Valley Railway. The individuals to whom she refers did not witness the exchange and, given Councillor Lawrence's admission to being at the site, and her own agreement that their input would be limited, there has been no need to interview them.

On 22nd November, Cllr Lawrence says that she saw a significant amount of trees and hedgerows being chopped down and asked a volunteer if BVR had involved an ecologist or arborist.

On 23rd November, Cllr Lawrence went for a walk and says she saw thick black smoke. She asked a volunteer about clearing the leaves. Cllr Lawrence says she was trying to understand the practice and she thought there was a health and safety violation.

On 24th November, Cllr Lawrence approached a volunteer and asked him how far along the line the work would be undertaken.

Finding of fact – 1

I find that Councillor Lawrence did make several uninvited visits to work sites and challenged the necessity of the work being undertaken on the 20th, 22nd, 23rd and 24th November 2020. I accept that, on some occasions, Cllr Lawrence may not have set out with the intention of challenging the workers. However, once she came across them, she did ask questions about what they were doing and why they were doing it. Cllr Lawrence accepts this was the case.

Complaint section 2

Councillor Lawrence failed to contact the management of the Bure Valley Railway to express her concerns about the work being undertaken or seek advice from Council Officers prior to acting.

When I asked Cllr Lawrence if she had attempted to discuss her concerns with the Bure Valley Railway she told me that she had not. She said she wanted to understand the terms of the lease before doing so and had twice asked for a copy of the lease from Annie Sommazzi, a council officer, who had not, according to Cllr Lawrence, engaged with her. She told me that if Ms Sommazzi had got back to her, she (Cllr Lawrence) would not have had to do so much herself.

Cllr Lawrence said that she had given her telephone number to Stuart Clark, so that he could call her. He explained to me that he didn't want to call her because then she would have his number and he was worried about how she might use that, given her behaviour towards him.

Cllr Lawrence told me that she couldn't engage with BVR now because they have put in a complaint.

I spoke with Annie Sommazzi, Hazel Ellard and Phil Courtier, all from Broadland District Council and all of whom had contact with Cllr Lawrence regarding these matters.

They were each clear that the lease was with the Bure Valley Railway and that Broadland District Council could not tell the Bure Valley Railway what to do. Phil Courtier specifically stated that the council 'couldn't prevent their activities' and Annie Sommazzi states that she sought legal advice and explained to Councillor Lawrence why Broadland District Council couldn't carry out any enforcement action. However, it is accepted that this conversation didn't take place until 24th November 2020.

I find that Councillor Lawrence did not address her concerns with the Bure Valley Railway direct. She chose to question staff and volunteers whilst they were working on site and had a lengthy discussion with Mr Clark whilst he was outside and in the presence of others.

I find that Councillor Lawrence asked a number of times for varying advice on numerous aspects of the Bure Valley railway relationship. However, it is clear that she didn't get a full answer as she wanted a copy of the lease. The clear advice on the lease was not given until the 24th November 2020.

Cllr Lawrence told me that if Ms Sommazzi had responded to her, she wouldn't have needed to have done so much herself. Cllr Lawrence went on to say, "Does that irritate some of the officers? If you don't like it, do your job better. Don't ask me to be less good or not to care. That's why I was elected. That's my understanding of what my job is as a councillor." However, Councillor Lawrence, in recognising that there were legal agreements in place should have waited for a full discussion and should not have pursued Bure Valley Railway in the way that she did.

Finding of fact - 2

I take the view that Councillor Lawrence failed to contact the management of the Bure Valley Railway to express her concerns about the work being undertaken through formal channels. I find that she sought information from Council Officers prior to acting but did not receive final advice on the lease until the 24th November 2020.

Complaint section - 3

When interacting with staff, volunteers and contractors of Bure Valley Railway, Councillor Lawrence conducted herself in an intimidating and confrontational manner.

Matthew Howard told me that he had seen Cllr Lawrence being confrontational towards members of staff. He told me it was obvious she was not happy, and she didn't seem to accept that the work was being done for safety reasons. He said that it was left to Mr Clark to engage with her. Mr Howard describes Councillor Lawrence shouting and was raising her voice. He said that "she was definitely going further than she should have".

Regarding the uninvited site visit on the 20th November 2020, Ben Goose states: "A lady jumped off her bike. She was going for it. She was in orbit. She was acting as if something was really wrong. She said, "What are you doing? You're destroying habitat". It was almost like I was cutting down a hedge in her garden. She was angry, over the top, irate. She was not polite. She was shouting but there was no need. She was taking photos."

Cllr Lawrence's version of the events is quite different, she states "On 20th November 2020, I was on my bike going towards Little Hautbois. I came across, suddenly, a JCB along the trackside. I stopped and put my bike down. I said stop and waved my hands. I didn't realise it was a flailer and I didn't know who was doing this. There were no notices. It was noisy. There was no point in saying anything. I might have mouthed things, like "What are you doing?". He couldn't hear me, but he might have read my lips. I wanted to make sure he wasn't doing any damage"

Given Stuart Clark's version of the events, which matches that of Ben Goose, that she was 'shouting, screaming and irrational' I find, on balance of probabilities that Cllr Lawrence had approached those from Bure Valley Railway in a manner that was clearly confrontational.

Stuart Clark told me that Cllr Lawrence's first conversation with him was confrontational. When he tried to respond to her questions, he said, "It didn't matter what I told her or explained to her, she took no notice. She was there for about an hour and 45 minutes. I spent the time trying to explain things to her, but she was completely one-sided. She was shouting, screaming and irrational." He describes her as being hostile and accusatory.

Cllr Lawrence told me that, when she spoke with Mr Clark, she was asking questions and reflected that "I probably did come across as challenging and so I should do. I thought they were random people. I am very direct. Someone may feel that's challenging. I felt the question needed to be asked. If there had been a notice, that would be fine. It wasn't my intention to be challenging."

However, she also told me "I did listen to his answers. I do ask lots of questions. I tried to be gentle, not provocative."

Finding of fact – 3

I find that the staff, volunteers and contractors at Bure Valley Railway found Councillor Lawrence's manner intimidating and confrontational when she attended the site on the 20th November 2020 in particular, but further, the nature of the enquiries that she made on the other visits was also intimidating.

Complaint section - 4

Councillor Lawrence took photographs of staff without their consent despite being requested not to do so.

Cllr Lawrence says that she was asked not to take photographs of staff and volunteers and she did not take photos of anyone's faces after that. It is common ground that she did continue to take photos of the work being undertaken.

Cllr Lawrence told me "I always take photos. It's how I manage my emotions and helps me process what I'm seeing". She went on to tell me that she took no photos of workers but "I take loads of photos of what they're doing". She said that she did take one photo showing a worker's face but deleted it when Mr Clark told her that she should not take photos of the Bure Valley Railway workers.

Matthew Howard, a member of Bure Valley Railway staff, told me that he was uncomfortable that photos were taken of him working. He said he believes that they were being taken to be used as part of a complaint about the work he was doing.

Finding of fact -4

**I find that Cllr Lawrence took photos of the work being undertaken.
I have no evidence that she has taken photos of staff since being asked not to do so.**

Additional correspondence from David Lowe and Stuart Clark

1. Mr Lowe contacted me on 27 January 2021 regarding a complaint that had been made to the council regarding the Bure Valley Railway about the management of its bonfires over a period of two months. The name of the complainant was withheld but photographs accompanying the complaint matched those taken by Cllr Lawrence, which led Mr Lowe to believe that the complaint was initiated by her. He believed that the complaint about the Bure Valley Railway “would appear to be a pattern of behaviour designed to cause us as much nuisance “within the letter of the rules” as possible!”.

I emailed Sue White of Broadland District Council on 4th February 2021 regarding Mr Lowe’s email to me and she confirmed that I should give consideration to whether it would be appropriate to include this within my investigation or whether this was a separate matter

I find that the complaint made regarding the bonfires was not inappropriate and I take the view that it is not relevant to the current investigation.

2. In an email to me dated 12 February 2021, Mr Clark told me of his concerns that Cllr Lawrence “is putting allegations, which are untrue, into her ward parish council meetings!”

The report of the meeting contained the following:

“Bure Valley Railway line has been a focus point for Cllr Lawrence and residents recently, due to concerns around the management of the path and vegetation around it and the liberal use of pesticides. Council was informed that BDC did not sell off this land and therefore is the owner of this valuable green infrastructure.” (annex x)

I understand that Mr Clark disputes that there has been “liberal use of pesticides” but I do not find that this is relevant to the current complaint.

I uphold complaint section 1, 2 and 3 and do not uphold section 4.

Does the behaviour described in the initial complaint breach the Code?

I have considered the findings of fact alongside the Broadland District Council Code of Conduct. I consider that the following paragraphs of Broadland District Council’s Code of Conduct have been breached by Cllr Lawrence:

3. 5. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

Witnesses from the Bure Valley Railway have told me that Cllr Lawrence has not listened to their views. Stuart Clark told me that Cllr Lawrence didn't listen to him or pay attention to his explanations.

Annie Sommazzi was contacted numerous times with Cllr Lawrence but the final advice on the lease was not made available until the 24th November 2020.

I take the view that Cllr Lawrence does not listen to the views of the Bure Valley Railway. She has not been objective in listening to the views of the Bure Valley Railway and further she has not waited to receive advice from professional officers that Broadland District Council could not take any action against Bure Valley Railway. I find this part of the Code has been breached

3. 10. Always treating people with respect, including the organisations and public I engage with and those I work alongside.

In finding above that, when interacting with staff, volunteers and contractors of Bure Valley Railway, Councillor Lawrence conducted herself in an intimidating and confrontational manner, I take the view that Cllr Lawrence did not treat the members of the Bure Valley Railway with respect. Accordingly, I find this part of the Code has been breached.

3.11. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

Cllr Lawrence clearly champions the views of herself and some members of the community who do not share the beliefs of the Bure Valley Railway as to how the land should be managed.

I have found, as stated above, that Cllr Lawrence has been challenging and hostile when questioning members of the Bure Valley Railway and has behaved in an intimidating and confrontational manner towards them.

I take the view that this part of the Code has been breached by Cllr Lawrence, as she has not acted in accordance with the principles 3.5 and 3.10 of the Code when championing the interests of the community with the Bure Valley Railway and with Broadland Council.

Conclusion

It is my view that the Code of Conduct has been breached by Cllr Lawrence in respect of 3.5, 3.10 and 3.11.

Final comments

The complainant, David Lowe, has said that he would like:

- a written acknowledgement that what happened was wrong
- such actions as the Monitoring Officer or Standards Committee can take, as far as they can, to prevent it from happening again

Mr Lowe has also said that he would like there to be a positive future relationship with Councillor Lawrence that is within the spirit as well as the letter of the code, and he believes that an apology from Councillor Lawrence is essential to enable that.

Fiona Anthony
Solicitor, nplaw
14 June 2021

Evidence relied upon:

Written evidence

I have been provided with the following documents:

Annex A - Broadland District Council Constitution Part 5 Codes and Protocols dated 21st May 2019

Annex B - Complaint Form

Annex C - Letter of Complaint from David Lowe dated 25th November 2020

Annex D - Complaint Response from Cllr Lawrence dated 12th December 2020 and accompanied by the following documents headed:

- Evidence 1 BURE VALLEY RAILWAY member of the public email
- Evidence 2 BURE VALLEY RAILWAY Annie Sommazzi email
- Evidence 3 BURE VALLEY RAILWAY Matt Haywood Annie Sommazzi email
- Evidence 4 Phil Courtier email
- Evidence 5 BURE VALLEY RAILWAY views from a third party re railway issues
- Evidence 6 Steve Turner ORR forward to PC
- Evidence 7 BURE VALLEY RAILWAY views from a third party re railway issues
- Evidence 8 BURE VALLEY RAILWAY update on Stuart Clarke meeting

Annex E - View of the Independent Person, Mark Hedges (undated; emailed to me on 11th January 2021)

Annex G - Email from Stuart Clark to me dated 12th February 2021 relating to a Parish Council report

Discussions

I have spoken with the following:

- Sue White, Deputy Monitoring Officer at Broadland District Council (to discuss my instructions) on 11th January 2021

Annex H - Phil Courtier, Director of Place, Broadland District Council, on 1st February 2021

Annex I - Hazel Ellard, Growth Delivery Manager, Broadland District Council, on 1st February 2021

Annex J - Annie Sommazzi, former employee of Broadland District Council, on 11th February 2021

Annex K - David Lowe, Complainant and volunteer director at BURE VALLEY RAILWAY, on 26th January 2021 and 27th January 2021

Annex L - Matthew Howard, employee of BURE VALLEY RAILWAY, on 1st February 2021

Annex M - Stuart Clark, volunteer and contractor at BURE VALLEY RAILWAY, on 2nd February 2021

Annex N - Andrew Barnes, Managing Director of BURE VALLEY RAILWAY, on 3rd February 2021

Annex O - Ben Goose, subcontractor at BURE VALLEY RAILWAY, on 11th February 2021

Annex P - Cllr Karen Lawrence, subject of complaint, on 12th February 2021

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Complaint against Councillor Karen Lawrence

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PART 5 – Codes and protocols

Members' code of conduct

1 Introduction to the Code

- 1.1 This Code of Conduct is a key part of the Authority's discharge of its statutory duty to promote and maintain high standards of conduct by its members and co-opted members. It is very much focused upon the principles of conduct in public life of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership and it is the intention of the Authority that the Code be used exclusively in that context and not for any other purpose. It sets an objective, non political and high standard whose purpose is to remind members of the Authority of the behaviour expected of them in public life and to set out clearly the key principles against which their conduct will be measured.
- 1.2 The Code also contains provisions for registration and declaration of interests the breach of which will now attract potential criminal sanctions.
- 1.3 The Council will establish a Standards Committee to hear breaches of the Code and decide on sanctions against members found to be in default. Working closely with the Council's Monitoring Officer and Independent Person the Standards Committee will oversee a straightforward and robust regime dealing only with substantial ethics and standards issues and filtering out the inconsequential, trivial and vexatious. The Code will deal in broad common sense principles and neither it nor the supporting arrangements are intended to be over-technical or over-procedural. To return to the wording of the statute the Code is the Authority's public statement on the promotion and maintenance of high standards of conduct in public life.
- 1.4 Every member and co-opted member of Broadland District Council must sign an undertaking to observe the Code in the terms set out below.

2 The Code

- 2.1 As a member or co-opted member of Broadland District Council I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.
- 2.2 In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.
- (1) **SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
 - (2) **INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
 - (3) **OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
 - (4) **ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
 - (5) **OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
 - (6) **HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

- (7) **LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.
- 3** As a Member of Broadland District Council my conduct will in particular address the statutory principles of the Code by:
- (1) Championing the needs of residents – the whole community and in a special way my constituents and putting their interests first.
 - (2) Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
 - (3) Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of Broadland nor the good governance of the authority in a proper manner.
 - (4) Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
 - (5) Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
 - (6) Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
 - (7) Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it

- (8) Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- (9) Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- (10) Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- (11) Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

4 Disclosable Pecuniary Interests

4.1 You must:

- (1) comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- (2) ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- (3) make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- (4) "Meeting" means any meeting organised by or on behalf of the authority, including:
 - (1) any meeting of the Council, or a Committee or Sub-Committee of Council

- (2) any meeting of the Cabinet and any Committee of the Cabinet
- (3) in taking a decision as a Ward Councillor or as a Member of the Cabinet
- (4) at any briefing by officers; and
- (5) at any site visit to do with business of the authority

5 Other Interests

5.1 In addition to the requirements of Paragraph 1, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent

5.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where:

- (1) a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
- (2) it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association

and that interest is not a disclosable pecuniary interest.

6 Gifts and Hospitality

- (1) You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.

- (2) The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- (3) This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.

Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge) – <ul style="list-style-type: none"> (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: <ul style="list-style-type: none"> (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either: <ul style="list-style-type: none"> (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose:

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of

which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Address:

Monitoring Officer, Broadland District Council, Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich NR7 0DU



BROADLAND DISTRICT COUNCIL

MEMBERS' AND CO-OPTED MEMBERS' DISCLOSABLE PECUNIARY AND OTHER INTERESTS

Councillor's full name:

Address:

.....

Note: Throughout this document the “authority or authority’s area” refers to the whole of the area covered by Broadland District rather than the Ward the Member represents.

Declaration:

I,, a Member of Broadland District Council, give notice that I have set out my interests below in the appropriate areas and have put “None” where I have no such interest in any area.

I understand and acknowledge the following:

- (1) I must complete, sign and return this notice **within 28 days of the Authority’s Local Code of Conduct being adopted or within 28 days of my election or appointment to office.**

I understand that I must register my disclosable pecuniary interests and Local Choice disclosable non-pecuniary interests by providing written notification to the Council’s Monitoring Officer of the details required as set out in this form.

- (2) If my circumstances change, I must, **within 28 days of becoming aware of any changes to the interests specified above, provide written notification to the Monitoring Officer** of that change.
I understand that I should do this by making the necessary amendments to this form as soon as possible. I understand that in order to do this, I will be required to *amend, initial and mark* eg 1* the changes against the appropriate section then and *sign and date* the form on the *last* page.
- (3) Part 1 of this form contains disclosable pecuniary interests as prescribed by The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012; whereas Part 2 contains *non-pecuniary* interests which the Council had decided are appropriate for me to register.
- (4) Disclosable pecuniary interests include not only my interests but also the interests of my spouse or civil partner, a person with whom I am living as husband or wife or a person with whom I am living as if they were a civil partner, so far as I am aware of the interests of that person.
- (5) The Localism Act 2011 created specific criminal offences in relation to the disclosure of pecuniary interests (Part 1 of this form). I understand it is a criminal offence to:
- (a) fail to register a Disclosable Pecuniary Interest (DPI) I am aware of within 28 days of my election or re-election;
 - (b) take part in the debate or vote at any meeting where I have a registered or unregistered DPI;
 - (c) fail to declare at a meeting and / or to take part in the debate or vote, if I am aware I have a DPI which is not yet registered or notified to the Monitoring Officer;
 - (d) if I have declared an unregistered DPI at a meeting, to fail to register that within 28 days of that declaration;
 - (e) provide false or misleading information in relation to any registration or to be reckless as to its accuracy;
 - (f) take any steps of further action on a matter in which I have a DPI other than referring it elsewhere;

in each case without reasonable excuse and I recognise any such failure is a direct contravention of the Localism Act 2011 and a criminal offence and may be investigated by the Police and referred to the Director of Public Prosecutions. I understand that **upon conviction, a Member or co-optee may be fined up to a maximum of £5,000 or disqualified from office for a period of five years.**

- (6) If I feel I have an interest which, if disclosed on a public register, could lead to myself or a person connected to me, being subject to violence or intimidation, then I must disclose this as a sensitive interest to the Monitoring Officer and need not declare it on this form.
- (7) I must, **within 28 days** of receiving any gift or hospitality in my capacity as a Member, with **an estimated value of at least £50**, provide written notification of that interest, including details of the person(s) from whom it was received. I understand that I should do this by completing the **registration of gifts and hospitality form** and return it to the Monitoring Officer at Broadland District Council.
- (8) I must notify Democratic Services should I change my home address.

I recognise that I have a legal duty to complete this form and that I must not:

- (1) omit any information which ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to update this information as my circumstances change.

Full name	
Member's signature	
Date	
Monitoring Officer's signature	
Date	

COMPLAINT FORM
to report a possible breach of the Code of Conduct
by a Councillor of Broadland District Council or a
town or parish council within the District

Your details

1. Please provide us with your name and contact details.

Title:	MR.
First name:	DAVID
Last name:	LOWE
Address:	BURE VALLEY RAILWAY, STATION ROAD, ATLEHAM, NORFOLK NR11 6BW
Daytime telephone:	(01263) 733858
Evening telephone:	
Mobile telephone:	
Email address:	davidl@bvrw.co.uk

Your **address and contact details** will not usually be released unless necessary to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)

In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint.

Usually we will tell them your name and give them a summary of your complaint. We may give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

2. Please tell us which best describes you:

- ☒ Member of the public
☐ An elected or co-opted member of an authority (including a parish council)
☐ Member of Parliament
☐ Local authority monitoring officer
☐ Other council officer or authority employee
☐ Other ()

Please note we only handle complaints raised by individuals and not organisations as a whole. If an organisation wishes to complain, they should nominate one individual to act as the co-ordinator for their complaint.

3. Equality monitoring

Please complete and return the Ethnicity and Diversity Monitoring Form. This form helps ensure that we do not inadvertently discriminate against anyone.

Making your complaint

4. Please provide us with the name of the member(s) you believe has/have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
DR	KAREN	LAWRENCE	BROADLAND D.C.

5. Please explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct. Please refer to the specific part of the Code you believe they have breached (you may contact your Parish Clerk to confirm which code your parish has adopted).

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer and Independent Person when they decide whether to take any action on your complaint. For example:

- You should **be specific**, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they said.
- You should **provide the dates** of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.

- You should confirm whether there are **any witnesses** to the alleged conduct and provide their names and contact details if possible.
- You should provide any **relevant background information**.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

Please refer to attached letter for details

Only complete this next section if you are requesting that your identity is kept confidential

6. Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

Anonymous complaints will not be considered.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Additional help

7. Complaints must be submitted in writing, this includes electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.



Please return this form to:

Emma Hodds
Monitoring Officer, Broadland District Council
Thorpe Lodge, 1 Yarmouth Road
Norwich, NR7 0DU

or email it to: ehodds@s-norfolk.gov.uk

How information on this form is used

Broadland District Council takes your privacy very seriously and provides the following information in compliance with Data Protection Legislation. Data Protection Legislation means the Data Protection Act 1998 as long as it is in force and thereafter the General Data Protection Regulation (EC) 2016/679 and any national implementing laws.

Data provided by you will be used to assess your complaint and contact you at relevant stages of the complaint. This form will be retained in line with agreed retention periods, as set out below:

For complaints that are unfounded or no action is required: destroy **3 years** after date of decision

For complaints that are upheld: **6 years**

Under data protection legislation you have the right to request access to, rectification, restriction, or objection to the processing of your personal data, as detailed on our Data Protection Policy. You can contact our Data Protection Officer at DPO@broadland.gov.uk or 01603 430615. You also have the right to lodge a complaint with the regulator, the Information Commissioner's Office.

Emma Hodds
Monitoring Officer
Broadland District Council
Thorpe Lodge
1, Yarmouth Road
Norwich
NR7 0DU

25th November 2020

Dear Ms Hodds,

Members Code of Conduct – Complaint

I am writing to report my complaint of a possible breach of the Members Code of Conduct by a member of Broadland District Council.

Please also find attached:

- A completed Complaint Form which, for reasons of space, refers to this letter
- A completed Ethnicity and Diversity Monitoring Form

Background

I am a director of Bure Valley Railway (1991) Limited ("BVR"); my area of policy responsibility is safety – I am responsible for ensuring that the BVR has suitable policies and procedures in place which comply with the law, and with recognised best practice.

BVR are leasehold tenants of Broadland District Council, occupying the Bure Valley Railway under a 125 year lease from Broadland District Council ("the Council"). I am raising this complaint as an individual, as required by the Council's complaints process, but it concerns the actions of a Member of the Council in relation to the BVR.

Complaint

My complaint is that Councillor Karen Lawrence has, acting contrary to the Council's Member's Code of Conduct, been seeking to interfere with the BVR's employees, volunteers and contractors to prevent work being carried out to meet the BVR's obligations to operate its business safely, as required in particular by the Health & Safety at Work Act (1974) and other legislation.

Aspects of Member's Code of Conduct breached

The sections of the Code which I allege to have been breached are:

2.1 - Requirement to work constructively with partner organisations

3.5 - Listening to the interests of other parties, including relevant advice from officers

3.8 - Behaving in accordance with all legal obligations, alongside any requirements within the authority's protocols and procedures

3.10 Always treating people with respect, including the organisations and public engaged with

Details of behaviours which I allege constitute a breach, are set out further below.

The work objected to by Councillor Lawrence

The BVR is carrying out work on its land, to which Councillor Lawrence objects. The work consists of the management of vegetation, in particular the cutting back or felling of trees and bushes.

This work is permitted by the law, and is permitted under the terms of the Lease that BVR holds from the Council. Furthermore, BVR has an obligation under law to manage the safety of its operation by assessing risks and implementing suitable control measures. The suitability and sufficiency of these control measures, as determined by the BVR, is a matter for the Office of Rail and Road; not the Council. However, to give some context to this complaint, BVR's assessment is that vegetation management is necessary in order to:

- Prevent diseased, dangerous or damaged trees shedding branches or falling on the railway.
- Prevent root damage to other structures such as bridges or drains
- Prevent the growth of vegetation that may strike a train or a person leaning out of a train
- Allow access to fencing and drainage for maintenance and inspection
- Enable pest control contractors to operate safely and avoid development of populations of burrowing animals
- Minimise leaf fall on the track:
 - Leaves on the rail head retard the ability of trains to accelerate and brake
 - Accumulations of leaves impede the routine inspection of track by patrol teams
 - Decomposing leaves cause accelerated deterioration of rail fastenings
- Allow the observation of cutting and embankment sides for stability
- In certain locations, additional visibility is required where trains approach a level crossing

BVR is carrying out this work now because it is not currently nesting season.

BVR seeks to maintain a lineside habitat that is primarily short grasses and wild flowers, interspersed with mature healthy trees where these are well set back from the railway, with a raised canopy.

I do not seek adjudication on whether this policy is correct; I simply assert that by undertaking this work the BVR is neither breaching the law or its lease from the Council, and

has a reasonable belief that the work is necessary. BVR would not be devoting significant resources to this project if it did not consider it necessary.

The behaviour of Councillor Lawrence being complained of

Councillor Lawrence has, over a period of about two weeks, made multiple uninvited visits to the worksite (from the adjacent Council controlled permissive footpath) and attempted to intervene with BVR employees, volunteers and contractors by challenging the necessity of the work being undertaken.

Her tone has been terse, intimidating and confrontational, demanding to know why work was being undertaken and repeatedly challenging the justification for it. This pattern of behaviour has been repeated on multiple visits, which has included taking photographs of staff without their consent while they work and after being requested not to do so.

As a separate matter from this complaint, I have submitted a request to the Council in accordance with the Freedom of Information Act for details of the photographs being taken of our staff and, other records that may have been made.

On Friday 20th November, Councillor Lawrence arrived at a location where a contractor was using a mechanical flail. She threw her bicycle on the ground and shouted and screamed at a contractor using a mechanical flail, "What the hell are you doing..." (the contractor ignored her and continued his work, reporting the incident to the work supervisor by mobile phone.

She then spent about 1hr 45min arguing and shouting with the work supervisor, who attempted to explain why the work was being done. She did not agree with this and made a number of assertions about why the work should not be done. (These assertions demonstrated a considerable lack of knowledge and understanding that could have been addressed had she engaged in a more appropriate manner).

She also tried to discuss the terms of the lease and associated payments between the BVR and the Council with workers and contractors on site.

Later she had other persons unknown join her, one of who was again shouting at our workers.

There were further visits on Monday 23rd November and Tuesday 24th November, seeking to engage and challenge BVR workers in a similar manner, as well as trying to engage passing walkers on the footpath on her side of the argument.

Councillor Lawrence was, at least one occasion, wearing a Council lanyard and identified herself as a Councillor. She was therefore purporting to be acting in an official capacity

Councillor Lawrence has not attempted, by either letter, email or telephone to the BVR, to present her concerns in a way that would allow the BVR to give a response about why the work was permitted and necessary.

As a tenant, the BVR's relationship with the Council is handled by the Officers of the Council. We would expect any concerns that a Member has about our tenancy to be expressed to the appropriate officer, who would then contact us if the concern was potentially reasonable. The fact that no officer has told us that our work is either unlawful or not permitted by our lease suggests that either Councillor Lawrence has not taken advice from the officers, or if she has, she has ignored it.

I can offer witnesses from BVR contractors, employees and volunteers to support these claims.

How this behaviour breaches the Member's Code of Conduct

Ref.	Code	Breach
2.1	...have a responsibility to represent the community and work constructively with our staff and partner organisations...	As a significant commercial tenant, I hope the BVR is at some level considered a "partner organisation". Working constructively would have involved a letter or email to the BVR's office setting out her concerns, (this should, properly, have involved an approach to the Officers of the Council by her, first), awaiting a response and then either accepting the response or seeking further engagement. This did not happen; instead there has been a campaign of harassment against BVR personnel on site.
3.5	Listening to the interests of all parties, including relevant advice from statutory and other professional officers...	As well as the failure noted above to properly engage with the BVR and listen to their interests, I believe that Councillor Lawrence's actions show that she has either failed to engage with the Officers of the Council (who understand the nature and justification of the work being done), or has ignored their advice.
3.8	Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures...	The Lease agreement between the BVR and the Council entitles the BVR to make use of their premises for their business without interference from the Council except as provided for by law. The established policies and protocols are that this relationship is handled by the Officers of the Council in accordance with policy set by the whole Council – not by individual ward members.
3.10	Always treating people with respect, including the organisations and public I engage with and those I work alongside.	The interaction of Councillor Lawrence with BVR personnel has been confrontational and intimidatory. The words used and behaviour described above speaks for itself.

I would emphasize that I am not complaining that Councillor Lawrence holds a different point of view to myself, or the BVR. I recognise that she is fully entitled (at her own expense) to investigate and express an opinion on any issue that she is interested in, although it may be fruitless to do so in areas where the Council has no power to act (such as a tenant who is acting lawfully and in accordance with their lease).

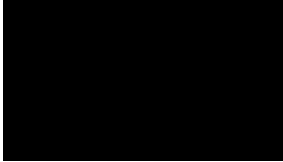
Equally, I am not complaining because she was factually wrong in her technical assertions; even if she had not been wrong, her conduct would still have breached the Code.

My complaint is that the manner in which she has done this does not meet the standards set out in the Council's Code of Conduct for its Members.

While this complaint is assessed strictly against the letter of the Code, I think the context that the work being complained of was, in fact, a risk control measure deemed to arise under the Health and Safety at Work Act should not be forgotten when seeking to judge the

reasonableness of the conduct described. There is a clear public interest here that businesses should manage safety risk to a level that is as low as reasonably possible. Allowing elected members to seek to obstruct or interfere with this process would not serve that interest. Equally, it should never be accepted that Members may seek to disturb or harass the tenants of the Council in the enjoyment of their lawful rights.

Yours sincerely,



David Lowe
Director, Bure Valley Railway (1991) Ltd.

cc Andrew Barnes, Managing Director, Bure Valley Railway (1991) Ltd.

Enc:

Complaint Form
Equality & Diversity Monitoring Form

Annex D

Saturday, 12 December 20

Dear Sue White and Mr Mark Hedges

I do not agree with the complaint as I believe it's motivation is unfortunately and sadly "malicious, vexatious and abusing the process". There is a history of this behaviour with the BVR and how they respond to community concerns about how vegetation is managed along the BVR over a number of years. I would like to address each of the identified breaches in turn and provide evidence, where possible to demonstrate why I am in disagreement with this complaint.

Ref.	Code	Breach
2.1	...have a responsibility to represent the community and work constructively with our staff and partner organisations ...	As a significant commercial tenant, I hope the BVR is at some level considered a "partner organisation". Working constructively would have involved a letter or email to the BVR's office setting out her concerns, (this should, properly, have involved an approach to the Officers of the Council by her, first), awaiting a response and then either accepting the response or seeking further engagement. This did not happen; instead there has been a campaign of harassment against BVR personnel on site.
3.5	Listening to the interests of all parties, including relevant advice from statutory and other professional officers...	As well as the failure noted above to properly engage with the BVR and listen to their interests, I believe that Councillor Lawrence's actions show that she has either failed to engage with the Officers of the Council (who understand the nature and justification of the work being done) or has ignored their advice.
3.8	Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures...	The Lease agreement between the BVR and the Council entitles the BVR to make use of their premises for their business without interference from the Council except as provided for by law. The established policies and protocols are that this relationship is handled by the Officers of the Council in accordance with policy set by the whole Council – not by individual ward
3.10	Always treating people with respect, including the organisations and public I engage with and those I work alongside.	The interaction of Councillor Lawrence with BVR personnel has been confrontational and intimidatory. The words used and behaviour described above speaks for itself.

2.1 have a responsibility to represent the community and work constructively with our staff and partner organisations

Representing community: Seven community members, living along the line from Brampton to St James Coltishall have come to me voicing their concerns of tree removal, fires, use of glyphosate spray, destruction of wildlife habitat, disturbance of nest sites and the behaviour of BVR staff that they have felt were intimidating and rude when approached by them (evidence

1). I listened to all community members, and have tried to investigate the facts around the accusations and have reported back to Annie Somazzi, BDC staff in charge (evidence 2), I also joined a meeting with 5 community members, Helen Baczkowska of Norfolk Wildlife Trust and Matt Haywood of Norfolk County Council (evidence 3) with the purpose to talk about the wildlife management options afforded by the new EU Intereg project. However the community also used it as an opportunity to explain their concerns and intimidation they felt they have suffered at the hands of BVR staff without getting any response from BDC when they complained.

Working constructively with staff: I contacted Annie Somazzi, BDC staff responsible for managing the BVR work as it is green infrastructure. I sent her emails regarding the community perspectives, inviting her to the same meeting with NCC and NWT and community as well as requested information on the lease, contract for vegetation management or bill of works. She did not reply to me on these matters and I had to escalate the matter to Phil Courtier to understand the BDC position. (evidence 4). I even ask Matt Haywood for a copy of the lease as well but he referred me back to ask Annie Somazzi. Who did not respond.

I would suggest there is not a partnership between BDC and BVR LTD but a purely commercial contract underpinned by a leasehold agreement for 125 years on payment of an annual rent. Phil Courtier explained it as a landlord / Rentee relationship.

3.5 Listening to all parties, including relevant statutory bodies: In order to clarify the concerns and explore the technical details around the complaints I contacted the following professionals.

██████████ Geotechnical Engineer experienced on railway embankment stability, tunnelling, worked for HS2, Cross Rail and many major government infrastructure projects. (evidence 5) – asked about bank stability and the rabbit infestation

██████████ Responsible for Heritage lines, Office of Road and Rail (evidence 6) – asked about the boundary fence requirements and legislation governing heritage lines. Correspondence was started in response to the threat BVR staff made regarding bringing in the ORR to make BDC address the lack of maintenance on the boundary fence.

██████████ Electrical Engineer, Subcontractor for Network Rail and Anglia Rail (evidence 7) – asked about the vegetation management guidance from network rail

In all case I have been soliciting from a technical perspective whether there were merits in the complaints of the community and to understand the BVR perspective from its regulatory requirements.

3.8 Behaving according to our (BDC) legal obligations: I tried to understand our legal obligations but I never received an explanation from Annie Somazzi as to why I was not sent information on the lease and contracts as requested. I checked the contract list for 2019 and 2020 to assess whether BVR LTD had been awarded a contract for vegetation management. The only contracts awarded were for post work and in 2020, rabbit management. The reason I was asking for the information was to understand what obligations and conditions were defined by the lease agreement or subsequent contracts to either Stuart Clarke (a BVR employee and share holder) or BVR LTD.

I felt I needed to know this information before I approached all the directors and main shareholders of the BVR LTD.

3.10 Always treating people with respect: I always treat people fairly and with respect. I was informed by residents that someone was burning vegetation along the footpath on the 19th Nov.

I went for a bike ride (I live in Buxton) along the BVR footpath on the 20th November. I suddenly came across a JBC with a bucket on the embankment rail side. There was no notification of works, no warnings for the public and no indication that they were working officially. My first reaction was to shout stop, which they did temporarily, although the sound of the machinery made a conversation impossible. I then was able to assess the work being done, which looked safe and saw two men on the footpath, whom I then approached. Again they were not wearing any uniforms, and no signage was provided on the public footpath. One had high-vis gear with May Gurney written on the back. I asked them what was going on as it was evident they had been cutting vegetation. I asked who had contracted them to do the work on the public footpath. I did take photos because as far as I was aware I was looking at random work being carried out in a way that was not compliant with health and safety concerns along a public footpath. I did state that I was the District Councillor for Buxton ward. To which the reply was that they had been warned against me.

I then stated that if he was Stuart Clarke then he was also a shareholder of BVR, he confirmed this and that is when I established he was an employee of BVR LTD. I proceeded to listen to his concerns about BDC and how they had not maintained the boundary fences. There were too many complaints during this time to list them all, however I listened, and acknowledged where I could where BDC had not met their obligations and gave assurances that I was taking steps to ensure money would be allocated to maintenance in the future. I then asked about why they made the decisions they did when managing vegetation to understand their perspective. Two members of the community joined me and later another passed by bike, and I spent the time to share with them the perspective of BVR in terms of why they needed to manage the vegetation. These members can be called on to be witnesses to this.

I wrote the notes of this engagement, that explained the BVR point of view and perspective on vegetative management and shared them with the key members of the community on the 22nd November. (evidence 8)

On the 22nd of November I went for a walk along the BVR footpath towards Brampton (the opposite direction than previously taken). A route I often take for a walk. I came upon the works being carried out by volunteers track side, clearing vegetation, chopping trees, and using gasoline canisters openly. There was no notification, no signage and no warnings to the public. I took photos of the clearance and Health and Safety violations I felt had occurred.

On the 23rd of Nov I went for another walk to Brampton along the BVR and this time volunteers were extensively burning vegetation, the smoke was so thick it was not possible to see anyone walking along the footpath or working trackside. Again, there were no notification, no signage and no warnings for the public. A dog walker came through the thick smoke and I asked them if they were OK. I took photos of the vegetation clearance as

evidence and the criminal damage done to boundary fence. Upon seeing a volunteer I politely asked them about why they were burning the leaves, I also asked whether they had an ecologist on staff or an arborist to assess the trees. I thanked them for their information.

On the 24th of Nov I went for another walk along the BVR to Brampton ([REDACTED] are at Brampton hall farm fields that can only be accessed by the footpath). This time there was more thicket and tree clearance, trees had been cut on the footpath (not in line with Network vegetation guidance) as well as on trackside. Although there was a warning sign (red triangle) for tree cutting, there was no notification, nor public information on the works. I therefore asked one of the volunteers how far they were planning to cut the vegetation, I was advised to ask someone in front. I saw two people with their back to me and I politely asked how far they were going to cut vegetation. Upon turning round I saw it was Stuart Clark who then asked me not to talk to anyone that was working on the track, and I agreed. I took photos of the works, however no people were included. There was shouting on my way back, however I assumed it was not directed at me because Mr Stuart Clarke asked that I should not talk with him or his volunteers again.

The behaviour of Councillor Lawrence being complained of by BVR LTD is in blue text. My responses are in black text.

Accusation: Councillor Lawrence has, over a period of about two weeks, made multiple uninvited visits to the worksite (from the adjacent Council controlled permissive footpath) and attempted to intervene with BVR employees, volunteers and contractors by challenging the necessity of the work being undertaken.

Response: *I went for a walk along a local route and as most people would; I asked questions to understand what I was observing.*

Accusation: Her tone has been terse, intimidating and confrontational, demanding to know why work was being undertaken and repeatedly challenging the justification for it. This pattern of behaviour has been repeated on multiple visits, which has included taking photographs of staff without their consent while they work and after being requested not to do so.

As a separate matter from this complaint, I have submitted a request to the Council in accordance with the Freedom of information Act for details of the photographs being taken of our staff and, other records that may have been made.

Response: *no photos of staff were taken in respect of the request that BVR staff did not want their photo taken. Where one person is in the photo the smoke is so thick it is not possible to identify them. Happy to share any photos, but they were taken on a personal device not for the council. If I take photos for the council I use my council IPAD.*

Accusation: On Friday 21 November, Councillor Lawrence arrived at a location where a contractor was using a mechanical flail. She threw her bicycle on the ground and shouted and screamed at a contractor using a mechanical flail, "What the hell are you doing..." (the contractor ignored her and continued his work, reporting_ the incident to the work supervisor by mobile phone.

She then spent about 1hr 45min arguing and shouting with the work supervisor, who attempted to explain why the work was being done. She did not agree with this and made a number of assertions about why the work should not be done. (These assertions demonstrated a considerable lack of knowledge and understanding that could have been addressed had she engaged in a more appropriate manner).

Response: *Please see my account of the events above, this can be backed up by photos and witnesses. I did not shout at the supervisor. My first degree is mechanical engineering, my MSc. Is in land and water management, where I have technical knowledge on slope stabilisation techniques and soil erosion control methods.*

Accusation: She also tried to discuss the terms of the lease and associated payments between the BVR and the Council with workers and contractors on site.

Response: *At no point did I discuss the lease with contracted workers and employees. I have only ever discussed the lease with BDC staff and NCC staff as explained above, with supporting evidence. There is no logical reason why I would expect staff at this level to be aware of the lease details.*

Accusation: Later she had other persons unknown join her, one of who was again shouting at our workers.

Response: *Three members of the community did meet me after and I spent the time to explain to them the perspective that I had been shared in the conversation just finished. Witnesses are: [REDACTED] [REDACTED] did report that she had shaken her fist at the JCB driver as she walked from little Hautbois. I did not see the incident so I cannot comment beyond what was reported to me.*

Accusation: There were further visits on Monday 23rd November and Tuesday 24th November, seeking to engage and challenge BVR workers in a similar manner, as well as trying to engage passing walkers on the footpath on her side of the argument.

Councillor Lawrence was, at least one occasion, wearing a Council lanyard and identified herself as a Councillor. She was therefore purporting to be acting in an official capacity

Response: *Please see my account of the events. Photographic evidence can be provided. At no point did I wear my council lanyard. I only wear my lanyard to get into the building. Please see all zoom council meetings where I, like all other councillors are not wearing our councillor lanyards. I was going for a walk on all days.*

Accusation: Councillor Lawrence has not attempted, by either letter, email or telephone to the BVR, to present her concerns in a way that would allow the BVR to give a response about why the work was permitted and necessary.

As a tenant, the BVR's relationship with the Council is handled by the Officers of the Council. We would expect any concerns that a Member has about our tenancy to be expressed to the appropriate officer, who would then contact us if the concern was potentially reasonable. The fact that no officer has told us that our work is either unlawful or not permitted by our lease suggests that either Councillor Lawrence has not taken advice from the officers, or if she has, she has ignored it.

Response: *Correct I have not yet contacted BVR LTD directors or shareholders through email or through a letter, I was waiting until I had gathered supporting information and had checked the terms and conditions of the lease and/or any contract before writing to them in order to ensure I could present a balanced, fact based enquiry.*

Evidence List

Evidence 1: Community emails (names removed for GDPR compliance) voicing concerns regarding vegetation management along the BVR

Evidence 2: Correspondance with Annie Somazzi, BDC officer from Karen Lawrence summarising concerns.

Evidence 3: Correspondence with Matt Haywood, NCC officer from Karen Lawrence, sharing the summary of community concerns.

Evidence 4: Correspondence with Phil Courtier regarding setting up a meeting

Evidence 5: Correspondence with expert [REDACTED] a geotechnical engineer with extensive experience on railway projects

Evidence 6: Correspondence with Heritage Railways experts [REDACTED] of the Office of Road and Rail

Evidence 7: Correspondence with electrical engineer expert [REDACTED] that provided access to the Network rail standard guidance on vegetation management.

Evidence 8: Notes on the meeting with Stuart Clarke outlining reasons why the BVR LTD manage the vegetation for safety, which were taken after the meeting with him on the 20th November.

Photographic evidence on request

EVIDENCE 1

[REDACTED]@btinternet.com>

Para: Karen Lawrence <karen.lammasbuxton@gmail.com>

Thursday 17 September. Helen and I are meeting here at 10.15. [REDACTED]

Apart from this question mark over contacting A.S. I am wondering how you see this matter progressing because I am certain to be asked by the [REDACTED]s and [REDACTED].

Your code is: 324292

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2116 Zeno Pl, Venice, CA 90291, USA (Send snacks.)

Karen Lawrence <karen.lammasbuxton@gmail.com>
Para: [REDACTED] <[REDACTED]@btinternet.com>

24 de agosto de 2020 a las 21:21

[REDACTED]

It was lovely to meet you all. Thanks for your time and knowledge.

In terms of WE transfer - I had entered the code for you already, but no I did not receive it so I will need to follow up with on that one - might have to choose a different way as your internet was not able to upload it fast enough, but no worries I will have a think and get back to you. I will contact [REDACTED] and invite her. You were going to contact the other heritage lines to see if they have any guidance or policy on Vegetation management, species management and biodiversity/habitat conservation along the banks and land surrounding the tracks. Also if they know of network rail guidance that applies specifically to heritage lines.

In terms of how will it progress, if you share the emails of the others I will be happy to keep you all informed in terms

of how we get on.

Thanks again for a great afternoon and i will be in touch soon

warmest Karen

[Texto citado oculto]

██████████ <██████████@btinternet.com>
Para: Karen Lawrence <karen.lammasbuxton@gmail.com>

24 de agosto de 2020 a las 22:32

Hi Karen,

Thank you for message below. Yes we all share emails which makes things much easier.

It is going to rain most of tomorrow so that will be a good time to email the other heritage lines.

I am very pleased you will be contacting Ann S yourself as I suspect you will get results which I probably would not.

Re the video somebody called here this evening who is good at these things so she has had another go. It is currently progressing and maybe it will be ok. Otherwise she suggested using a cable to transfer the video to my pc so that I could put it on a memory stick. This seems to be a good Plan B if necessary. more on that tomorrow.

all the best,

██████████

Karen Lawrence <karen.lammasbuxton@gmail.com>
Para: [REDACTED] <[REDACTED]@btinternet.com>

25 de agosto de 2020 a las 09:38

Dear [REDACTED]

If you are contacting the other heritage lines would you be so kind as to include me in the cc line? There are other things we need to be able to contact them about. In order that any community volunteer or company can work on the banks to manage vegetation or be track side, they need a Personal Track Safety certificate - the NNR does these for photographers and their own volunteers - therefore we could enquire about setting up a training for those interested. Part of exploring options to go forward with

warmest Karen
[Texto citado oculto]

[REDACTED] <[REDACTED]@btinternet.com>
Para: Karen Lawrence <karen.lammasbuxton@gmail.com>

26 de agosto de 2020 a las 19:12

Dear Karen,

Thank you for drawing my attention to this very interesting idea and it might well be a very good way forward.

I have run into difficulty with the 3 local railways as only one provides an email address and I have copied you in as you should have already seen. I shall have to ring the Wells Walsingham line, and the Mid Norfolk is currently closed and only offers an enquiry form via

the website. I have written to them via that.

I bet they all have an email address and would probably give it to you as a district councillor but not to me.

Anyway I will see what happens next and let you know.

best wishes,

A solid black rectangular box used to redact the sender's name and signature.



EVIDENCE 2

Karen Lawrence <karen.lammasbuxton@gmail.com>

BVR - railway - Footpath - vegetation management: Community Concerns & Suggestions

7 mensajes

Karen Lawrence <karen.lammasbuxton@gmail.com>

20 de septiembre de 2020 a las 11:49

Para: Ann Sommazzi <Annie.Sommazzi@broadland.gov.uk>, Hazel Ellard <Hazel.Ellard@broadland.gov.uk>, "Griffith, Iestyn" <iestyn.griffith@norfolk.gov.uk>, "samuel.neal@norfolk.gov.uk" <samuel.neal@norfolk.gov.uk>, "martin.horlock@norfolk.gov.uk" <martin.horlock@norfolk.gov.uk>

CC: Phil Courtier <pcourtier@s-norfolk.gov.uk>, Cllr Karen Lawrence <cllr.karen.lawrence@broadland.gov.uk>, Cllr Steve Riley <cllr.Steve.Riley@broadland.gov.uk>, [REDACTED]@hotmail.co.uk <[REDACTED]@hotmail.co.uk>, Laura Green <council@buxtonwithlamas.co.uk>, david harrison <david.harrison@norfolk.gov.uk>

Dear Ann, Hazel and NCC tree and landscape team

I hope you and your families are well. I was disappointed to hear that Ann was not able to make it to Brampton PC 9th Sept evening, Hopefully she will be able to meet on Oct 1st with NWT and residents- the earlier meeting on the 17th was postponed. There are some very keen and knowledgeable naturalists based in the villages that shared their concerns regarding the vegetation management track side of BVR footpath (some have bird population data observations). From the various conversations from 4 different places along the track (6 residents from 3 parish councils) these were common themes around having a management plan that benefits biodiversity and tourism facilitated by BDC/NCC where community members can input into and be part of its implementation. They are compelling concerns

1. Excessive use of Round-Up Herbicide and destructive vegetation removal methods:

The original EIA stated that herbicide would be used only along the track bed. During lock down as in previous years there was noted excessive use of spraying along banks with wild flowers, burning of woody plants by the contractor. So far up the bank that neighbours property were affected. Bats have been disturbed along little Hautbois by the setting of fires under their nesting trees. The clearance along 5 separate sections has little to do with established government policy, and consequently is degrading the biodiversity value of the wildlife corridor and the tourism value as the banks are left bare earth and visually unattractive. The leaves on the track from trees are not an issue as steam trains use block brakes that push them out of the way, so removal of trees/pruning needs to be to ensure there is clearance for the trains and safety of passengers hanging their heads out of the windows.

Suggestion: Restricted and controlled use of herbicides to the track bed and stones. To be compliant with Network Rail guidance, no burning of roots or woody vegetation. Physical vegetation management (strimming, cutting) to be carried out according to a management plan that community members have had an opportunity to comment on and BVR have identified areas it wants to remain clear to enhance the tourist experience and ensure safety of the rolling stock.

The track side fencing requires replacement and is scheduled for that (cabinet papers march), however if the fence trackside were to be placed closer to the track at key sections, similar distance from the track bed path side fence then herbicide use could be easily controlled to just the track bed where it is needed. This would enable access to banks by volunteers, ecologists, vegetation management contractors and NCC staff without the need for a PTS certificate. The view from the train would be unaffected, safety of passengers that hang their heads out of the window would be assured.

2. Contractor lack of competence in vegetation management: It is clear the contractor being used by BDC/NCC is not complying with Network rail guidelines on vegetation, although heritage lines can do things differently because they do not go

above 25 miles/hr. Several banks have been cleared of understorey growth where there was not over hanging branches, no excessive growth and no visual enhancement. Some of the vegetation removal was during nesting season, earlier in March and April. Bats have been reportedly disturbed by lighting fires under their nesting areas and smoking them out, small trees stabilising the bank have been cut and burnt contrary to Network rail guidance where fire is not allowed. Areas where new fencing has been put up around the tunnel entrance Aylsham has been excessively cut including areas of public footpath. Clearance is observed to be random.

The bare banks trackside have now encouraged rabbits and due to the lack of vegetative roots providing tensile strength, there is surface slippage which is in some places exposing roots of hedgerows. The gassing of rabbits, although practiced often along BVR trackside, is not a sustainable solution - There is less rabbit damage along the footpaths due to the vegetation coverage being maintained.

Suggestion: Review the contract and provide Personal Track Safety training sessions as part of the tendering and contract process to ensure competition. Ensure that conflicts of interest are identified and mitigated to ensure there is compliance with an agreed management plan. Ensure contractors work with community volunteer groups including those with conservation interests by ensuring they are offered Personal Track Safety Training.

Moving track side fence down the bank closer to the track to ensure ease of maintenance on it and on the banks (see the point above). It should be noted that it may not be suitable in all parts of the track and bank due to the geography of the landscape in which the line bed is placed, however a management plan would be able to identify these areas.

3. Failure to clean graffiti: Tagging graffiti is still on the bridge between Cautishall and Little Hautbois despite, according to residents, being reported to BDC. The concern is that it might encourage other anti-social behaviour and does not set a good example for tourists using the footpath or the train. It has been reported to BDC but there was no response.

Suggestion: Clear strategy communicated to local people so they know who to report anti-social incidents like this to and a clear response time or process in place so people know roughly how long it will take.

4. Possible Risk of Conflict of Interest with Contractors: There is a concern that the director of the company contracted by BDC/NCC is also a volunteer railway driver on BVR. If this is the case there is a risk that management activities will be carried out that continue to be detrimental to the environmental corridor function for wildlife and habitats. Local complaints and concerns made to the contractor have resulted in overspraying in neighbouring banks and areas where care was being requested. People are willing to let this go and move positively together if there is an opportunity to work with the contractor and BDC/NCC in participating in management that has been approved in a plan. People do understand there may be a need to clear vegetation but not during nesting seasons and in such large swathes of the bank which leads to damage of the banks.

Suggestion: A clearer complaints procedure set up and communicated. An agreed management plan and workplan is set up and shared with the community. This would be in-line with implementing the new environmental strategy.

I understand that you have had a chat with [REDACTED] of NWT, the new meeting with her is set for Thursday 1st Oct at 2.30 pm, first at Coltishall and then going down the footpath towards Brampton. As mentioned before in terms of the Ash dieback management most residents appreciate there is a need to cut them back - however especially round Buxton the extent of this will have a significant impact on the tree line landscape of the village and this is going to be a shock to people. They get very distressed at the loss of trees. Therefore a management plan would serve as a communication tool that can lessen the shock of change and enable people to identify with NCC and BDC staff and technical specialists where trees can be planted that enhance our villages, footpath and the tourism value. It is becoming apparent that Bramton, Buxton Lammis Little Hautbois is becoming more of a tourist destination due to the river access and footpath access. In terms of green infrastructure to take the pressure off the broads and the north Norfolk coast it is a critical piece that connects into the other major footpaths

and estates at Aylsham. The number of people that ride their bike one way and take the train to return the other has been noticeable. The desire of local residents is to work with the council and the BVR.

I would also like to suggest a meeting with BVR, NCC, BDC and Parish councils concerned to explore these suggestions.

Many thanks,

warmest karen



Bure Valley Railway an environmental impact assessment(1).pdf
1123K

Hayward, Matthew <matthew.hayward2@norfolk.gov.uk>
Para: "karen.lammasbuxton@gmail.com" <karen.lammasbuxton@gmail.com>
CC: "Auger, Mike" <mike.auger@norfolk.gov.uk>

21 de septiembre de 2020 a las 10:59

Hi Karen

Thank you for your detailed information provided below, we are working closely with BDC on developing a new management plan for the Bure Valley Path to incorporate it into our wider trail network.

Please could you include myself on any future meetings, if would be very useful to be included in the meeting with Norfolk Wildlife Trust if possible.

Kind regards

Matt

Matt Hayward, Lead Project Officer

Community and Environmental Services

Tel: 01603 223315

matthew.hayward2@norfolk.gov.uk



Norfolk County Council



From: Karen Lawrence <karen.lammasbuxton@gmail.com>

Sent: 20 September 2020 10:49

To: Ann Sommazzi <Annie.Sommazzi@broadland.gov.uk>; Hazel Ellard <Hazel.Ellard@broadland.gov.uk>; Griffith, Iestyn <iestyn.griffith@norfolk.gov.uk>; Neal, Samuel <samuel.neal@norfolk.gov.uk>; Horlock, Martin <martin.horlock@norfolk.gov.uk>

Cc: Phil Courtier <pcourtier@s-norfolk.gov.uk>; Cllr Karen Lawrence <cllr.karen.lawrence@broadland.gov.uk>; Cllr Steve Riley <cllr.Steve.Riley@broadland.gov.uk>; [REDACTED]@hotmail.co.uk; Laura Green <council@buxtonwithamas.co.uk>; Harrison, David <david.harrison.cllr@norfolk.gov.uk>

Subject: BVR - railway - Footpath - vegetation management: Community Concerns & Suggestions

WARNING: External email, think before you click!.

[Texto citado oculto]

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To see our email disclaimer click here <http://www.norfolk.gov.uk/emaildisclaimer>

Karen Lawrence <karen.lammasbuxton@gmail.com>

21 de septiembre de 2020 a las 11:31

Para: "Hayward, Matthew" <matthew.hayward2@norfolk.gov.uk>

CC: "Auger, Mike" <mike.auger@norfolk.gov.uk>

Dear Matt

That gives me great pleasure to hear that. I have been randomly sending emails to the Norfolk CC team in the hope that you were all included. The meeting with NWT is agreed for 1st October, starting at 2.30 pm I will forward the email with the details. It will start at Coltishall and then go along the line to Brampton. It will be socially distanced - I will be there as a back up as I have talked with everyone.

Look forward to meeting you.

warmest Karen

[Texto citado oculto]

Karen Lawrence <karen.lammasbuxton@gmail.com>

21 de septiembre de 2020 a las 13:02

Para: [REDACTED]@hotmail.co.uk

[REDACTED]

this is Matt

warmest Karen

[Texto citado oculto]

[REDACTED] <[REDACTED]@hotmail.co.uk>

21 de septiembre de 2020 a las 13:30

Para: Karen Lawrence <karen.lammasbuxton@gmail.com>

Thanks Karen

[REDACTED]

| On 21 Sep 2020, at 12:02, Karen Lawrence <karen.lammasbuxton@gmail.com> wrote:

[Texto citado oculto]

Karen Lawrence <karen.lammasbuxton@gmail.com>
Para: "Hayward, Matthew" <matthew.hayward2@norfolk.gov.uk>

5 de octubre de 2020 a las 10:55

Dear Matt

Just to ensure you are up to date of some of the concerns I had drawn to people's attention - see the email below.

You mentioned you had a copy of the lease. Would it be possible to see that please?

Many thanks

Karen

----- Forwarded message -----

De: **Karen Lawrence** <karen.lammasbuxton@gmail.com>

Date: dom., 20 de sep. de 2020 a la(s) 11:49

Subject: BVR - railway - Footpath - vegetation management: Community Concerns & Suggestions

[Texto citado oculto]

[Texto citado oculto]



Bure Valley Railway an environmental impact assessment(1).pdf
1123K

Hayward, Matthew <matthew.hayward2@norfolk.gov.uk>
Para: Karen Lawrence <karen.lammasbuxton@gmail.com>

5 de octubre de 2020 a las 15:00

Hi Karen

Thank you for your time on Thursday and the details in the below email.

It would be best to speak to BDC officers to get the up to date details and copy of the lease as it is between BDC and the Bure Valley Railway. The copy I have was to support the successful funding bid but I'm sure not if it missing any additional elements.

Kind regards

Matt

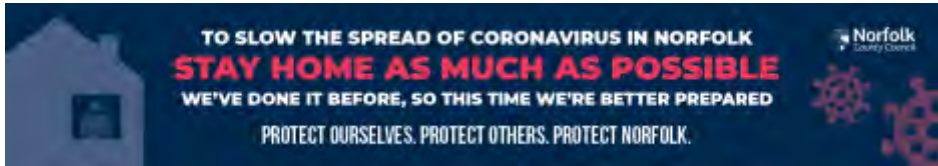
Matt Hayward, Lead Project Officer
Community and Environmental Services
Tel: 01603 223315

Gmail - BVR - railway - Footpath - vegetation management: ...

matthew.hayward2@norfolk.gov.uk



Norfolk County Council



From: Karen Lawrence <karen.lammasbuxton@gmail.com>

Sent: 05 October 2020 09:56

To: Hayward, Matthew <matthew.hayward2@norfolk.gov.uk>

Subject: Fwd: BVR - railway - Footpath - vegetation management: Community Concerns & Suggestions

WARNING: External email, think before you click!.

Dear Matt

[Texto citado oculto]

[Texto citado oculto]



EVIDENCE 3

Karen Lawrence <karen.lammasbuxton@gmail.com>

BVR - Recent Spray line along vegetations at the side.

3 mensajes

Karen Lawrence <karen.lammasbuxton@gmail.com>

10 de noviembre de 2020 a las 10:33

Para: Ann Sommazzi <Annie.Sommazzi@broadland.gov.uk>, "Hayward, Matthew" <matthew.hayward2@norfolk.gov.uk>

Dear Annie and Matt

In light of Annie's email regarding spraying after the visit I thought it would be good to get a sense of how extensive that had been. Please see the photos of spraying and the siding building between Brampton and Aylsham - sort of storage area.

In terms of the spraying, it should be noted there is never any signage regarding the use of poisonous chemicals, that are hazardous to people and dogs, neither any indication that they do not spray near the primary school that back onto the BVR through Buxton. Is this compliant with health and safety and the licencing conditions for the use of this type of spray? This is something we might need to check as Government bodies I would imagine.

Not sure whether this little building has any potential in the tourism plan or just needs to be pulled down so that it is not left derelict. It's a funny little thing as you can both see, Matt we did not go that far when you came.

warmest Karen

Karen Lawrence <karen.lammasbuxton@gmail.com>

16 de noviembre de 2020 a las 12:00

Para: [REDACTED]@btinternet.com>, [REDACTED] <[REDACTED]@gmail.com>, [REDACTED]
[REDACTED]hotmail.co.uk>, [REDACTED]@btinternet.com>

Dear all

please note my own correspondence with BDC and NCC.

[Texto citado oculto]

16 archivos adjuntos



20201024_154542_resized.jpg
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20201024_154548_resized.jpg
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Gmail - BVR - Recent Spray line along vegetations at the side.



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20201024_143104_resized.jpg
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Gmail - BVR - Recent Spray line along vegetations at the side.



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20201024_154419_resized.jpg
524K

Karen Lawrence <karen.lammasbuxton@gmail.com>

16 de noviembre de 2020 a las 12:28

Para: Ann Sommazzi <Annie.Sommazzi@broadland.gov.uk>

CC: Cllr Karen Lawrence <cllr.karen.lawrence@broadland.gov.uk>, Hazel Ellard <Hazel.Ellard@broadland.gov.uk>

Dear Annie a

Hope you are well. Could I please have an update regarding seeing a copy of the lease agreement. Community members have made requests and so have I. If there is a reason why I cannot see the lease agreement then please be clear what it is, otherwise we may find ourselves needing to respond to a freedom of information request, which should not be a problem, although they are very time consuming to deal with. I would rather BDC staff time were spent more constructively.

In terms of requesting no more spraying, I have had several complaints from residents regarding the second spray this year, why it was necessary and why it occurred after the community meeting this Autumn where there was a specific request for NCC and BDC to not spray. They were assured this was a decision that lay with BDC, as such I would like to understand whether the second spraying was allowed or was under the BDC maintenance agreement and what that maintenance agreement requests the contractor to carry out and how frequently.

I did not get a response on the health and safety aspects of the use of the poison close to houses and close to a primary school and in areas where the public are at risk or their pets are to be honest.

I appreciate this has not been an easy year, however local people are getting more frustrated especially when they see the wildflowers and wildlife they have dedicated their lives to protecting, being killed or being lost for no reason.

They have photographic evidence of vegetation management from the Wells and Walsingham line that show a more sympathetic management of vegetation and where wild flowers are encouraged, thus enhancing the tourism and wildlife value of the line and its corridor function.

Just to recap my requests:

1. Copy of the lease agreement for BVR
2. copy of the maintenance agreement for BVR

I do appreciate that there are plans to map and present a management plan to the community, if you can give me any insight, nugget of advancement I can share, that would be very useful indeed.

Many thanks

warmest Karen

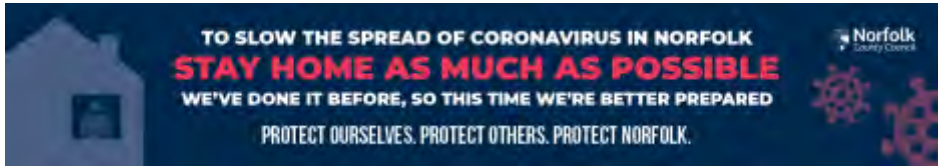
warmest Karen

Gmail - BVR - railway - Footpath - vegetation management: ...

matthew.hayward2@norfolk.gov.uk



Norfolk County Council



From: Karen Lawrence <karen.lammasbuxton@gmail.com>

Sent: 05 October 2020 09:56

To: Hayward, Matthew <matthew.hayward2@norfolk.gov.uk>

Subject: Fwd: BVR - railway - Footpath - vegetation management: Community Concerns & Suggestions

WARNING: External email, think before you click!.

Dear Matt

[Texto citado oculto]

[Texto citado oculto]



EVIDENCE 4

Karen Lawrence <karen.lammasbuxton@gmail.com>

URGENT: Please ring me this morning - re BVR

10 mensajes

Karen Lawrence <karen.lammasbuxton@gmail.com>

19 de noviembre de 2020 a las 10:26

Para: Phil Courtier <pcourtier@s-norfolk.gov.uk>

CC: Cllr Karen Lawrence <cldr.karen.lawrence@broadland.gov.uk>

Dear Phil

Could you please ring me this morning regarding what is happening along the BVR, I have tried to ring you on your numbers provided but neither is functioning. The [REDACTED] number actually belongs to a resident. Please let me have a number I can actually speak to you on.

my number is [REDACTED]

Many thanks

Karen

Phil Courtier <pcourtier@s-norfolk.gov.uk>

19 de noviembre de 2020 a las 10:44

Para: Karen Lawrence <karen.lammasbuxton@gmail.com>

CC: Cllr Karen Lawrence <cldr.karen.lawrence@broadland.gov.uk>

Karen

Sincere apologies - my number is below.

However, I am in mtgs almost all day and in Full Council tonight. I will try to ring you at some point when I get a moment.

Regards

Phil

Phil Courtier

Director of Place

t 07879 486982 e phil.courtier@broadland.gov.uk

Two Councils One Team

[Texto citado oculto]

Karen Lawrence <karen.lammasbuxton@gmail.com>
Para: Phil Courtier <pcourtier@s-norfolk.gov.uk>
CC: Cllr Karen Lawrence <cldr.karen.lawrence@broadland.gov.uk>

19 de noviembre de 2020 a las 18:40

Dear Phil

I am ending up emailing you, which is never ideal. Firstly I hope you and your family are well.

I sent you a whats app message and photos, I have had so many meetings and emails from residents in my ward and neighbouring wards too, about the issue of over zealous management of vegetation along the BVR, rail side. I am likely to mention it tonight at the meeting, but it would be great if we can talk tomorrow. The work you saw on the photos had no tree felling order, was not planned nor approved and happened last Monday and Tuesday of this week - I just went along to see if it had stopped or was continuing. Annie has been responsive, she may also be getting some emails directly from the community as well. I think she has plans with Matt from NCC to put together a plan for the BVR, in the meantime the community requested that excessive vegetation clearance and the use of industrial glysomate (round-up) would stop. Neither has happened. So everyone is super cross and blaming Annie, which is unfair. I have explained that she is not the problem and is trying to work with NCC and all parties. People are seeing none of their requests come through and just continuous destruction of habitat supporting wildlife for no reason, the trees posed no threat to the line and bank as you saw was high so they were not opening up for the view. So why? I am not really getting a sense of why there is no response. If Annie cannot control the contractor (who is a shareholder of BVR and a member of the volunteers, so has a conflict of interest), then something else needs to be done. All people want is an agreed management plan and a stopping of maintenance works until one is agreed. If the lease agreement or contract conditions do not allow for BDC to control what happens on the ground, then those documents need to change or something does and quickly because what is happening now is not working.

We want to see the BVR survive as a tourist attraction, and the line can become one, at the moment it is not going in the right direction, habitats are being degraded and the value of the natural assets are in jeopardy. Please see an example of an email sent which summaries the situation resulting from talking with residents living along the line and using the footpath daily.

I wanted to talk through what are our options, because people are getting crosser and crosser.

If we do not get a chance to talk before tonight's meeting, which is likely, then be aware of it and let's talk tomorrow.

warmest Karen
[Texto citado oculto]

 **BVR Ann Somazzi email.docx**
138K

Phil Courtier <pcourtier@s-norfolk.gov.uk>
Para: Karen Lawrence <karen.lammasbuxton@gmail.com>

19 de noviembre de 2020 a las 23:14

Thanks Karen.

At present I am free for 30mins at 3pm tomorrow. Hopefully we can speak then.

Regards

Phil

[Texto citado oculto]

Karen Lawrence <karen.lammasbuxton@gmail.com>
Para: Phil Courtier <pcourtier@s-norfolk.gov.uk>

20 de noviembre de 2020 a las 17:13

Dear Phil

Sorry did I miss the 30 min window? I was coming in from talking with people along the BVR, well listening mostly. I did talk with Stuart Clark and just listened as well to try to understand his perspective, his plans, which is something I had wanted to do. I want more dialogue, which might seem strange. I am coming from my conflict mediation perspective, because that is what we are dealing with here, historically, but with added intensity of lockdown anxiety. That is not to dismiss anyone's perspective. I want to also understand the BDC staff perspective on this too. I am concerned for Annie as this I can imagine has been quite overwhelming. I filter, I try and be as objective as I can but there are such passionate people on all sides it can be quite relentless at times.

We need to find a way out of this together, a way that brings all parties together. We need to support BVR as a business and as the wonderful tourism asset that they are and we need to work with their needs as an operational railway as well as work together in a way that works for a local community and wildlife. We can do this with NCC, but it is not going to be easy. My vision is to have a 5 year management plan that we can all work together on. No one, literally, no one wins if BVR goes under or that BDC gets wrapped around the knuckles or community getting angry and protesting. So the conversation I want to have with you is about understanding what are our options going forward, what are the risks BDC is managing and juggling at the moment and what can BDC do to ease help move the situation onwards, working with NCC. But the process we need to make that happen will need to be following conflict transformation methodologies of dialogue and process - would be my professional perspective. The first step being to understand where all the tensions are, by talking separately to all the parties and mapping it out in a diagram which then is the basis that everyone sees they are being heard. I can talk you through that process a bit and what that could mean hear, but it might be better to have a separate session later to do that.

I know businesses have been given 10,000 grants, and it was reported we were going to waiver their rent - is that still happening? We need to help them get through this pandemic first, if I am honest. Those that previously ran the BVR went bankrupt before, so its a real possibility.

<https://www.edp24.co.uk/news/politics/bure-valley-railway-in-dire-straits-1-6703918>

Is this a conversation that I need to have with Trevor as well? I am open to that, let me know.

If you think it will save time and bring us all to a fuller understanding of our options and how we can work together to resolve this situation, and that means looking to see what we can do now, I am more than willing to do that. I am on holiday next week so I have time I can put to this, your calendars may be mega booked in advance so just let me know what is possible.

I am willing to facilitate any dialogue that is necessary to move us forward.

Warmest Karen

[Texto citado oculto]

Karen Lawrence <karen.lammasbuxton@gmail.com>
Para: Phil Courtier <pcourtier@s-norfolk.gov.uk>

22 de noviembre de 2020 a las 17:48

Phil

Hope you enjoyed the weekend and day off. These are the notes from the conversation with Stuart Clarke, that highlight the reasons why, from a BVR perspective they are removing vegetation. Stuart Clarke is the lead on the subcontractor BDC has to manage the vegetation. However this is the interpretation of this that was carried out on Saturday after the conversation where I had thought I had made progress was disappointing to say the least. This level of vegetation clearance is against our own environmental strategy to say the least. Is this covered by the lease agreement or the contract we have with Stuart Clarke's company? From Network rail guidance there should be a management or a plan of works.

This photographic evidence suggests there is insufficient ecological skills present guiding this work, there is a real degradation of the asset as a whole - we cannot have this happening in the footpath side. It should not be allowed to continue along the line, but its not clear how we, as BDC are agreeing the bill of works. If we agreed to this then This is a brutal, also where do we stand with breaking the Wildlife and countryside act? I have included the guidance from Network rail.

There is a balance and at the moment this is not it being reached. This is also why I suggest that what we are dealing with a

Gmail - URGENT: Please ring me this morning - re BVR

conflict, sadly. None of the communities get any benefit but are paying a price with their environment.

Yet the big picture needs to be considered, long term. When faced with this approach as demonstrated in these photos, though its very challenging to keep that big picture in mind.

BVR is going to require a lot of investment of resources.

All food for thought.

warmest Karen

[Texto citado oculto]

16 archivos adjuntos



20201122_133007_Buxton curve footpath.jpg
697K



20201122_131014_Buxton curve 1.jpg
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20201122_130949_Buxton Curve1.jpg
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20201122_130945_Buxton curve1.jpg
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20201122_130941_Buxton curve1.jpg
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20201122_131123_Buxton curve1.jpg
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20201122_131146_Buxton curve1.jpg
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20201122_131207_Buxton curve1.jpg
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20201122_131151_Buxton curve1.jpg
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20201122_132925_Buxton curve1.jpg
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20201122_132957_Buxton curve1.jpg
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Gmail - URGENT: Please ring me this morning - re BVR



20201122_132830_Buxton curve1.jpg
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 **BVR - Reasons for vegetation clearance.docx**
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 **NR_L2_OTK_5201 (1).pdf**
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 **valuing-nature_a-railway-for-people-and-wildlife-the-network-rail-vegetation-management-review.pdf**
2001K

Karen Lawrence <karen.lammasbuxton@gmail.com>

22 de noviembre de 2020 a las 18:14

Para: Ann Sommazzi <Annie.Sommazzi@broadland.gov.uk>, "Hayward, Matthew" <matthew.hayward2@norfolk.gov.uk>

CC: Hazel Ellard <Hazel.Ellard@broadland.gov.uk>

Dear Annie and Matt

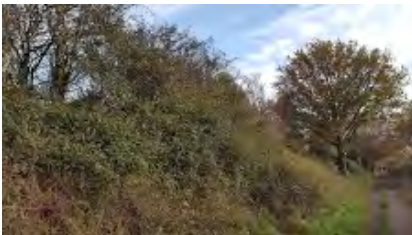
I did have a chance to meet with Stuart Clarke and clarify with him the BVR reasons for vegetation clearance, so we could start to understand what this means and try to help the community understand this, also emphasizing the need to work together on a joint management plan in the future. The desire of the community to work with them and that conflict was not helping anyone. However the day after talking with him, the interpretation of these insights for the environment is devastating as you can both see from the photos, Matt this is just past Buxton station on the way to Brampton.

Annie was this actually agreed by yourself? This is of course contrary to our new environmental strategy. It is also against the standards of vegetation management used by network rail, I have included them here.

Am I really the problem here?

warmest Karen

19 archivos adjuntos



20201122_133007_Buxton curve footpath.jpg
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20201122_131014_Buxton curve 1.jpg
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Gmail - URGENT: Please ring me this morning - re BVR



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 **NR_L2_OTK_5201_02.pdf**
674K

Ann Sommazzi <Annie.Sommazzi@broadland.gov.uk>

23 de noviembre de 2020 a las 15:37

Para: Karen Lawrence <karen.lammasbuxton@gmail.com>, "Hayward, Matthew" <matthew.hayward2@norfolk.gov.uk>

CC: Hazel Ellard <Hazel.Ellard@broadland.gov.uk>, Phil Courtier <pcourtier@s-norfolk.gov.uk>

Hello Karen,

I believe you have passed on your concerns to Phil Courtier as I have spoken to him about the tree works being carried out by the Bure Valley Railway Ltd.

Gmail - URGENT: Please ring me this morning - re BVR

It is my hope that Phil and I will be able to update you on the issues that you have raised but also to elaborate a little further on the ongoing relationship that the Council has with the Bure Valley Railway Ltd. I am aware that Phil is on leave today so a detailed conversation may not be able to take place until the next few days.

I would add to all of this how complex, complicated and historical Broadland District Council's relationship is with the BVR Ltd – it goes back a long way and in recent years has been incredibly difficult.

Speak soon,

Annie Sommazzi
Infrastructure Delivery Officer
t 01603 430503 e ann.sommazzi@broadland.gov.uk



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[Texto citado oculto]

Karen Lawrence <karen.lammasbuxton@gmail.com>
Para: Ann Sommazzi <Annie.Sommazzi@broadland.gov.uk>

23 de noviembre de 2020 a las 16:00

Annie

Yes I have, because I do recognise how complex this is. Although I am not sure that tree works quite describes what they are doing as the photos show. It's a 10 year conflict we are dealing with so it is not going to be easy to solve.

Is it possible to see the lease so that I can understand where our position is. The more information I have the more strategic I can be.

I have an engineering degree so I also understand the "engineer mindset" that sits behind some of these actions and reactions.

You do not have an easy job at all in this, I hope you are able to look after yourself in all of this.

Speak soon

warmest Karen

[Texto citado oculto]

Gmail - URGENT: Please ring me this morning - re BVR

<https://mail.google.com/mail/u/1?ik=86b0e5a165&view=pt&se...>

Karen Lawrence <karen.lammasbuxton@gmail.com>

23 de noviembre de 2020 a las 17:33

Borrador para: Ann Sommazzi <Annie.Sommazzi@broadland.gov.uk>

Annie

[Texto citado oculto]

EVIDENCE 5

From: [REDACTED]
To: [REDACTED]
Date: Monday, 17 August 2020, 12:40 CEST

Hi Karen

Vegetation is not included in slope stability calculations. The design life for infrastructure slopes is 120 years and you can't guarantee that the vegetation will be there in sufficient coverage to be relied upon. It could be the the sandy soils are being washed out rather than slopes instability. Can you send me some photos?

[REDACTED]

----- [REDACTED]@aol.com wrote -----

Karen,

Network rail standards appertaining to vegetation are available via the following link;

[REDACTED]
[REDACTED]

Should you need any more NR standards then please let me know and don't say everything, there are too many for that. Also check the RSSB web site for group standards as well.

Regards

[REDACTED]

From: karen Lawrence <bendum94@yahoo.com>

Sent: 17 August 2020 10:42

To: [REDACTED]

Subject: Lineside vegetation management standards for railways - can you get copies?

[REDACTED]

railway is managed under the same rules and regs as a full size railway. Our issue is the indiscriminate use of round-up, over clearance of vegetation on the banks and disregard for the biodiversity assets that are along the railway. They are causing bank instability in some places because the bank is made up of very sandy soils and they are taking out all the bio-engineering properties of the vegetation. If any of you have good examples of sensitive bank vegetation and wildlife management approaches that would be fantastic. The Line and land is owned by Broadland District Council and leased to the Bure Valley Railway, so ownership is slightly different than under normal circumstances. Do note that the average speed of the railway is between 12 to 20 miles/hr and the track is 15 inch - steam and diesel engines. I think the ones I need are the following

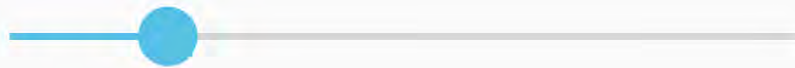
Module 2 Lineside Vegetation Management Requirements (NR/L2/OTK/5201/02)

NR/L2/OTK/5201 Lineside Vegetation Management Manual Issue 1

However if there are other policies or guidance that you have come across then very happy to learn about it.

thanks Karen

Karen Lawrence I raise money for charity with [Everyclick.com](http://www.everyclick.com) Join me: <http://www.everyclick.com/kel>



You

 Photo



Hi Karen, Looking at the photos. The slope doesn't appear to be in danger of failing as in landslide. Mostly this is bunnies and surface water erosion. The photos don't look like round up use. It more like fire damage and the railway had a small lineside fire on 4th August. One of the engines needed work done to its ashpan which was the source of the fire and maybe why they did the vegetation clearance at the driest time of the year so as to minimise the risk of a fire getting out of control and taking up a farmer cereal crop. Not sure what you can do in this case. Certainly bunnies are to be discouraged usually by using mesh, although trees are helping to retain slopes.

19:13

Thanks cool. Very helpful. The stumps were burnt several if them.



Type a message

79



EVIDENCE 6



Karen Lawrence <karen.lammasbuxton@gmail.com>

Re: Heritage railway boundary / fencing

3 mensajes

karen Lawrence <bendum94@yahoo.com>

30 de noviembre de 2020 a las 22:56

Para: "[REDACTED]" <[REDACTED]@orr.gov.uk>

CC: Karen Lawrence <karen.lammasbuxton@gmail.com>

Dear [REDACTED]

Many thanks for your very interesting and helpful reply. To clarify after the line was closed the original track, signals and railway infrastructure was removed and the land given to the District Council. In 1990, after the appropriate studies. The new track bed and infrastructure for the heritage gauged railway were put in by a company and a lease signed, then the current company took over in 1991 when the first company went bust, which is not uncommon I am lead to understand. So now the BVR is under a 125 year lease, although the track is owned by the company. We are fortunate that the side which has the public footpath is in good condition, the areas of the fence that are missing or destroyed (sadly recent removal of hawthorn and other vegetation have damaged some of the posts and the fence is now in a worse situation than it was before the works were completed, however this is beside arable fields and there is no public access. Where there are animals they tend to come onto the line on occasion via the gate if they are left open.

I would be grateful if you could help me understand from the perspective of the ORR what works in terms of vegetation clearance needs to be met to ensure a heritage line's obligations to operate its business safely and required under the Health and Safety at Work Act (1974) and other legislation? I did not see anything in that mentioned the clearance of vegetation or how to manage leaves on lines and actions to take to reduce damp leaves potentially causing damage to the rails or sleepers. The company BVR LTD has stated that the ORR is responsible for ensuring BVR manages the safety of its operation by assessing risks and implementing suitable control measures. Is there any guidance BVR LTD as the operating company, are required to develop or follow or that the council need to provide?. I note there are new standards from Network rail on vegetation management guidance, dated 2020, however the dimensions and scale are different, is there anything that is specific to heritage lines or are these faster cable propelled train specifications to be applied for a slower steam driven line?

One of the concerns is that the ORR came on an official capacity and saw the boundary fences, your office would shut down the operations of the heritage line, and enforce its closure until the work completed within a specific timeline. I was wondering if there is a way to get your informal advise so that company and the council could work together, with the ORR, prioritize the work required and fill in any policy, or guidance gaps? There is no suggestion that the line is operating unsafely as its only accident report was in 2011 due to metal fracture in the axle being welded on top and the wheel collapsing, according to the safety report. However, there is a real commitment on all sides to improve the line and it would be great to understand how the ORR can help support this.

Many thanks

Warmest Karen

Karen Lawrence I raise money for charity with Everyclick.com Join me: <http://www.everyclick.com/kel>

On Tuesday, 24 November 2020, 14:28:37 CET, [REDACTED] <[REDACTED]@orr.gov.uk> wrote:

Good afternoon: I refer to your enquiry as below:

I am enquiring about the regulations that affect the management of heritage lines, (Bure Valley Railway), regarding standard of boundary fences, and whether the ORR regulates these lines and their operation. If not then who does and what guidelines do they come under. Where the trains run at 20 mph are there any exemptions in terms of its management and operations that need to be considered for the track, the line and any footpaths that may be operating along side the small gauge railway. Could you please share with me any references that may help. As a District Council that has the responsibility and ownership of a leased heritage line asset what legal requirements are there.

many thanks

Karen Lawrence

There are around 220 heritage railways within GB that HM Railway Inspectorate (part of the Office of Rail and Road) is responsible for in terms of health and safety enforcement. The Bure Valley Railway being an example of a number of 15" gauge railways. So ORR is the enforcing authority.

All heritage railways operate at no more than 25 mph for passenger services though a very small number are permitted to operate for engineering testing purposes in excess of 25 mph.

Apart from the overarching Health and Safety at Work etc Act 1974 <https://www.legislation.gov.uk/ukpga/1974/37/contents> there is railway specific legislation such as the Railway Safety (Miscellaneous Provisions) Regulations 1997 <https://www.legislation.gov.uk/uksi/1997/553/contents/made> and the Railways and Other Guided Transport Systems (Safety) Regulations 2006 <https://www.legislation.gov.uk/uksi/2006/599/contents>

The 2006 Regulations require each individual heritage railway to have a Safety Management System and this will incorporate its policies and procedures as regards such subjects as operations, competence, maintenance etc. The latter will include the inspection and maintenance of boundary fencing consistent with the risk of trespass onto the infrastructure. Thus, in urban areas with higher speeds and a history of trespass etc suitable fencing may be of the palisade security type whilst in rural low speed areas (with no livestock) the boundary may be post and wire fencing

In particular I draw your attention to Regulation 3 of the 1997 Regulations and the associated guidance which immediately follows <https://www.orr.gov.uk/sites/default/files/om/guidance-on-railway-safety-regulations-1997.pdf> All railways have to comply with these Regulations and there are no exemptions for heritage railways though as intimated above the type of fencing required has to be proportionate to the risk after considering location, speed of trains, history of incursion etc. In short each railway conducts a risk assessment identifying and implementing the necessary control measures as appropriate.

Re your last sentence as regards legal responsibilities are you inferring that the local council owns the BVR and leases it to them. If so the primary legal responsibility falls to the railway. As regards any duties on the LA in question this would depend on how much input or direction that the LA puts into railway. I will seek clarification on this latter point though and get back to you shortly.

I hope that this helps and am happy to discuss further should you wish.

Regards



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

HM Railway Inspectorate, Office of Rail and Road, Grosvenor House, 14, Bennetts Hill, Birmingham, [B2 5RS](#)
[orr.gov.uk](#) | Follow us [@railandroad](#)

ORR staff are working normally, but from home, during Covid-19

ORR protects the interests of rail and road users, improving the safety, value and performance of railways and roads today and in the future.

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[REDACTED] <[REDACTED]@orr.gov.uk>
Para: karen Lawrence <bendum94@yahoo.com>
CC: Karen Lawrence <karen.lammasbuxton@gmail.com>

1 de diciembre de 2020 a las 11:16

Good morning: can you give me a ring when convenient please?

Regards

[REDACTED]



[Redacted]
[Redacted]
[Redacted]

HM Railway Inspectorate, Office of Rail and Road, Grosvenor House, 14, Bennetts Hill, Birmingham, B2 5RS
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[Texto citado oculto]

[Texto citado oculto]

Karen Lawrence <karen.lammasbuxton@gmail.com>

4 de diciembre de 2020 a las 12:06

Para: Phil Courtier <pcourtier@s-norfolk.gov.uk>, Hazel Ellard <Hazel.Ellard@broadland.gov.uk>

Dear Phil

I did make an earlier inquiry with the office of road and rail regarding the safety legislation and guidance required as well as how forcefully they enforce concerns regarding the boundary fencing and whether there was any guidance. I was particularly interested to understand who was responsible in their office for heritage lines. A Mr [Redacted] replied as the HM principal inspector of railways responsible for BVR heritage line and he is lovely, very knowledgeable and very willing to help.

I asked him about fencing.

He stated that the approach is what is "reasonably practicable" and with suitable risk assessment. The primary duty being on BVR and the material for fencing is expected to be proportionate to the risk. Most commonly its post and wire, where there are animals but where the line goes through arable fields then thorn thickets can also be used. This means that BDC can replace fencing or combine it with thicket (hawthorn) hedge. He stated that thorn fences work well for heritage lines. Palustrade fencing only being necessary where there is danger of vandalism. The most critical aspect is that the fencing separating the footpath and the railway is in good condition all away along the line and this is where the greatest risk is.

Please note the vegetation removal activities of the BVR LTD have destroyed posts (that were rotten) that were held up and supported by thicket. The existing thickets have been cut to the floor, they will regrow and it may be worth noting where this can be thickened so that a continuous line of thicket can be installed alongside arable fields. This could be a cost effective approach.

He stated that the maximum speed that any heritage line can go at is 25 mph by law. The average speed for the BVR is 16 mph according to an accident report from 2011. There are sections of the railway where due to a house being on the corner by the road, there is a blind corner and as such the railway has to go at only 2mph due to the risk of not being able to see what is coming on the road crossing due to the house being in the way.

He stated that BVR has a duty to provide suitable fencing, but this I think probably depends on the wording of the lease agreement. However they should have a safety management system were the fencing requirements are specified and agreed. The only safety requirement is to see the signals, and crossings, both foot, road and farm. Otherwise health and safety act section 2 applied for their staff and section 3 for the public.

In terms of Bridges and Embankments.

He stated that they should be inspected yearly but may only need work every 10 to 15 years.

He does not have a schedule to inspect Bure Valley for his 2021/2022 workplan and would only expect to visit if there were a breach of safety. In that case the BVR/BDC would get an enforcement notice and agreed timeframe by which to complete any works - however safety breaches being the highest priority.

Please note he has provided links to all safety and railway guidance that the Heritage line has to comply with. But this one was the most important

"In particular I draw your attention to Regulation 3 of the 1997 Regulations and the associated guidance which immediately follows <https://www.orr.gov.uk/sites/default/files/om/guidance-on-railway-safety-regulations-1997.pdf> All railways have to comply with these Regulations and there no exemptions for heritage railways though as intimated above the type of fencing required has to be proportionate to the risk after considering location, speed of trains, history of incursion etc. In short each railway conducts a risk assessment identifying and implementing the necessary control measures as appropriate".

He is very open to ringing up and chatting, the notes here are from a discussion I had in response to the email - he wanted to talk rather than respond to my questions in the email, he loves talking about trains. He is the officer in the ORR responsible for the Norfolk Heritage lines (several hundred throughout the country). The only other heritage line in the country the same gauge is the Romney Hythe line.

I hope you find this useful, and if you are at all concerned with what BDC legal obligations are, please ring Steve as he is very very nice.

[Redacted]
[Redacted]
[Redacted]
[Redacted]

Warmest Karen

----- Forwarded message -----

De: **karen Lawrence** <bendum94@yahoo.com>

Date: lun, 30 de nov. de 2020 a la(s) 22:57

Subject: Re: Heritage railway boundary / fencing

To: [Redacted] <orr.gov.uk>

Cc: Karen Lawrence <karen.lammasbuxton@gmail.com>

[Texto citado oculto]

EVIDENCE 7

RE: Lineside vegetation management standards for railways - can you get copies?

From: [REDACTED]@aol.com

To: [REDACTED]

Date: Monday, 17 August 2020, 12:26 CEST

Karen,

Network rail standards appertaining to vegetation are available via the following link;

[REDACTED]

Should you need any more NR standards then please let me know and don't say everything, there are too many for that. Also check the RSSB web site for group standards as well.

Regards

[REDACTED]

From: karen Lawrence <bendum94@yahoo.com>

Sent: 17 August 2020 10:42

To: [REDACTED]

Subject: Lineside vegetation management standards for railways - can you get copies?

Dear [REDACTED]

I am trying to get hold of a copy of the latest vegetation management standards as our little small guage railway is managed under the same rules and regs as a full size railway. Our issue is the indiscriminate use of round-up, over clearance of vegetation on the banks and disregard for the biodiversity assets that are along the railway. They are causing bank instability in some places because the bank is made up of very sandy soils and they are taking out all the bio-engineering properties of the vegation. If any of you have good examples of sensitive bank vegetation and wildlife management approaches that would be fantastic. The Line and land is owned by Broadland District Council and leased to the Bure Valley Railway, so ownership is slightly different than under normal circumstances. Do note that the average speed of the railway is between 12 to 20 miles/hr and the track is 15 inch - steam and desiel engines. I think the ones I need are the following

Module 2 Lineside Vegetation Management Requirements (NR/L2/OTK/5201/02)

NR/L2/OTK/5201 Lineside Vegetation Management Manual Issue 1

However if there are other policies or guidance that you have come across then very happy to learn about it.

thanks Karen

Karen Lawrence I raise money for charity with Everyclick.com Join me: <http://www.everyclick.com/kel>

Up-date on the vegetation management

12 messages

Karen Lawrence <karen.lammasbuxton@gmail.com>

22 novembre de 2020 à las 11:59

From: [REDACTED]

Dear All

Just to give you an update on my conversation with Stuart Clark who I met on Friday. It learnt a lot from the conversation. It took a while to get through the wall of information and subject matter shifts. But I did not find him aggressive towards me. Just passionate about what he is trying to do.

They, BVR, are cross at BDC and frustrated and worried about the slowness of action for BVR to secure the boundary fence. Which is a legal requirement from the ORR for their operation and the operation of any railway.

I am going to share the notes I made back and forth today as all interested parties need to understand each others perspective. Which is necessary if we are to work together on a management plan.

Stuart Clark is not the person that does the spraying. There are plans for more vegetative management this year and the reasons for why they clearing vegetation the way they are, it is worth reading these, see below and attached.

I am trying to set up a meeting with others in BVR regarding what their immediate plans are for vegetation management.

I kept missing Phil Coulter on Friday but we will talk next week. In terms of other tactics I am exploring whether it is possible to get TPCs for mature trees along the BVR. In terms of the FCI request for the lease agreement and contracted maintenance agreement, let me talk with Phil first, if that is OK.

warmest Karen

Reasons for vegetation clearance from the perspective of the BVR (or any operating railway)

Clearances are for safety

1. Clearances around the train

a. Door opening

b. Heads leaning out of windows

c. Evacuation routes in case of emergency

d. Driver standing up (being able to see), head clearance

2. Clearances to see level crossings

a. Sufficient distance to see what is coming and stop if necessary with safety from 15 to 20 mph speed (typical speed is 16 mph according to accident report)

3. Clearances to see round bends, in case of animals (cows) or debris on the line that might cause an accident

4. Clearances to see signals

- In terms of on banks or ridings in these areas grass or willowflowers are the preferred vegetation cover as they allow clear views of the situation in front.

- 1.5 metre clearance from the centre of the track to the next vegetation zone to enable safe evacuation from the trains by foot without danger of falls or trips.

- In case of engine fires (which are a particular risk with steam engines) a distance from the track without vegetation is required to ensure that hot embers if they have to be removed, do not cause a bank fire.

Clearances for maintenance of Road assets, track and sleepers, bed rock, signals

Leaf litter – dry litter can be blown away naturally, easily and quickly

- Where there is insufficient air movement, or light, fallen leaves etc, this may result in a degradation of the wooden sleepers, and the leaf mulch if by the metal rails can lead to deterioration of the metal surface.

- Wet leaf litter, although pushed away by black birds, can still get between the point of contacts and cause wheel slippage.

- Light and air on the track – wet dark conditions can cause a lichen growth on the sleepers, which leads to a potential for fungal growth.

- Fruit fall – Fruit falling on the metal track will cause a deterioration in the surface metal (thus reducing the contact surface available and increasing the possibility of derailment)

- Fruit trees (e.g. crab apples) are cut down and removed if their location means fruit can fall onto the track in autumn.

- Dangerous shrub limbs

- Branches sticking out can catch passengers or staff and need to be removed

- Hawthorn too close to the track for the required safety clearance needs to be removed, these are coppiced either to 1 ft or if infrequent maintenance is likely, they are taken to the ground.

- Dangerous Trees - trees are considered dangerous and require removal for the following reasons

- Any tree that is rotten internally, suffering die back (ash) poses a threat of other dropping large limbs onto the track or the tree toppling onto the track during high winds or storm events.

- Trees need to be removed to the base

- Lower limbs or dead parts of the tree need to be removed

- Coppicing or felling is required

- Sucker producing species need to be removed to ensure they do not "sprout" in the track bed and cause damage.

Clearances for views and access to the fence

- A secure boundary fence is a legal requirement for any operational train, whatever its scale, size, or speed.

- This is to keep animals and people from wandering onto the track and causing either an accident to themselves or the train and passengers.

- The majority of the boundary fence for the railway has not been replaced or maintained for at least the last 10 years and is in need of urgent repair, this is a legal requirement

- Vegetation, shrubs and blackberry bushes, need to be cleared regularly to enable access to maintain the boundary fence.

- To enhance the visitor experience a variety of open views are preferred where fields and village features can be seen.

Bank Stability

Areas where statements follow assumptions commonly held by some civil engineers and were view points taken (note civil engineers volunteer their time)

Rabbits

Rabbit damage along the banks - this is severe in some areas where there is particularly sandy soft soils and very little root mat to hinder weather erosion.

- Vegetation ground cover is assumed to encourage rabbits to dig holes, therefore with the removal of undergrowth it is assumed rabbit damage will be more easily seen and will be less likely to occur

- Trees are assumed to encourage rabbits to dig within their root system and protect them

Trees

Trees damage the banks

- Trees are assumed to cause bank failure - The roots are assumed to draw water and cause failure of the surface soil, causing landslides and creep.

- The roots are also assumed to reduce the strength of the bank structure as they grow through the earth and reduce the solid soil mass

- Tree roots harbor rabbits which also cause bank surface failure

BVR - Reasons for vegetation clearance.docx

134K

Internet logo

Karen Lawrence <karen.lammasbuxton@gmail.com>

22 de novembre de 2020 à las 13:18

Dear Karen

Thank you very much for your note. It is good that you had a meeting with Stuart. It is important that this proceeds in a sensible manner - nobody gains anything by throwing accusations around. But Stuart is a contractor, OK he is also associated with the BVR, but his instructions come from BVR, the private company.

I have read the BVRs track maintenance operation guide with interest. The key point to me is that this is, as you say, their perspective.

It is notable that nowhere in their standing instructions is there any recognition of the environmental or conservation benefits which may balance the management. So I am focused on the impact on their infrastructure, their 'views', 'dangerous' shrubs and trees, 'trip hazards' etc. No acknowledgment of conservation except for some oblique reference to 'wild flowers' as a throwaway nod.

They seem to be inviting legal scrutiny. The main focus of the Office of Road & Rail is to oversee Network Rail - the BVR is not intrinsically part of Network Rail, so presumably this reference is via another statutory instrument or similar. Even if that is the case, the BVR should then follow the leadership of Network Rail in management for biodiversity (see: <https://www.networkrail.co.uk/communities/environment/wildlife/managing-habitats-by-the-railway/>).

I am not sure it makes any difference whether Stuart does the spraying. It is the BVR who is the instructing party in either tree and shrub clearance or Glyphosate misuse. They are the party who are liable for action under say, the Wildlife & Countryside Act or similar.

The issue of a 'view' for rail users is somewhat ambiguous. If we take this to the logical next step and as most of the line is in a cutting, their 'view' is of a sterile strip and of a few pruned trees which they have designed to leave in place, no shrubs, little vegetation and, as a result no birds. What a prospect.

It remains important for us to know what the lease says and the extent of the cartilage. The Council policy is also The vital component. Their asset is being degraded and to allow this to proceed unabated flies in the face of their own expressed Environmental Policy, with which I am sure you are familiar (see the following Environmental strategy for Broadland Extract).

3) Green Infrastructure & Biodiversity

Ecosystems like wetlands and woodlands contribute to managing risks to economic and social activity, helping to minimise flood risks, regulating the local climate and maintaining the supply of clean water and other resources.

Healthy biodiversity supports sustainable communities and benefits not only by providing us with clean air, water, food, energy, medicine and building materials but also provides jobs and places for recreation and employment. Biodiversity conservation is not just about protecting those species that are rare or we find especially attractive; it is about enhancing species and bringing benefits to local communities.

Green infrastructure includes natural green spaces colonised by plants and animals and dominated by natural processes and man-made managed green spaces, such as areas used for outdoor sport and recreation including public and private open space, allotments, and urban parks and designed historic landscapes as well as their many interconnections like footpaths, cycle ways and waterways.

Housing growth within the district provides opportunities for green infrastructure enhancements which will cater for informal recreation requirements of new and existing populations and the migratory and habitat requirements of local wildlife. It will also help to mitigate any negative impacts on particularly sensitive environmental assets within the area.

Threats to our biodiversity include habitat loss and fragmentation, pollution, invasive non-native species and climate change.

Strategic Approach

Establish new, accessible green spaces, at a local level, for the benefit of local residents and wildlife.

Support actions which connect and strengthen existing habitat and green infrastructure corridors.

Enhance existing local green spaces, in terms of their recreational offer and their biodiversity value.

Support local communities to develop projects to improve local biodiversity through initiatives.

I would be happy to discuss matters with Phil Coulter, after you have had a chance to do so. It is important to repeat that it is 'balance' that we would like to achieve, balance between commercial, amenity and conservation interests. At present there seems to be very little in evidence.

Regards

Mark

1 de 3

87

12/12/20 19:32

3) Green Infrastructure & Biodiversity

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To: [redacted]
Dear All

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They BVR are cross at BDC and frustrated and worried about the slowness of action for BVR to secure the boundary fence. Which is a legal requirement from the ORR for their operation and the operation of any railway. I am going to share the notes I made and the references and extra facts I dug up to keep us all informed and start to help us understand each others perspective. Which is necessary if we are to work together on a management plan.

Stuart Clark is not the person that does the spraying. There are plans for more vegetative management this year and the reasons for why they clearing vegetation the way they are are, it is worth reading these, see below and attached.

I am trying to set up a meeting with others in BVR regarding what their immediate plans are for vegetation management.

I kept missing Phil Counter on Friday but we will talk next week. In terms of other tactics I am exploring whether it is possible to get TPCs for mature trees along the BVR. In terms of the FCI request for the lease agreement and contracted maintenance agreement, let me talk with Phil first, if that is OK.

Warmest Karen

A

Karen Lawrence <karen.lawrence@nwt.com>
Pam [redacted] <[redacted]@btinternet.com>

On [redacted]

Yes definitely share the situation with Helen from NWT, also could you ask whether NWT knows of environmental layers that have prepared cases under the breach of the Wildlife and Countryside act and the Habitats directive.

BDC are the lease owners, and have subcontracted the vegetation management, so if I write to the Directors at BVR that will do no good. In terms of the Directors at BDC I will mention it to them but it feels like we are in the wild west

As a plan B are you able to take samples? i.e. pot them up and protect them off site in case as a back up source of stock? Sorry you can probably tell I am not used to dealing with temperate zone plants.

Warmest Karen

[This email could]

BVR, operating since 1991 under this management, has legal requirements to fulfil as part of its operational conditions. Heritage lines came under greater scrutiny in 2012 by the ORR, following a number of incidents. Key features of the site have been neglected, like the up-keep of the boundary fence, which is a legal requirement. Over the last 10 years there has been a lax approach to BDC management of the various physical assets.

Reasons for vegetation clearance from the perspective of the BVR (any operating railway)

Clearances are for safety

1. Clearances around the train
 - a. Door opening,
 - b. Heads leaning out of windows
 - c. Evacuation routes in case of emergency
 - d. Driver standing up (being able to see), head clearance
 2. Clearances to see level crossings
 - a. Sufficient distance to see what is coming and stop if necessary with safety from 15 to 20 mph speed (typical speed is 16 mph according to accident report)
 3. Clearances to see round bends, in case of animals (cows) or debris on the line that might cause an accident
 4. Clearances to see signals
- In terms of on banks or sidings; in these cases grass or wildflowers are the preferred vegetation cover as they allow clear views of the situation in-front.
 - 1.5 metre clearance from the centre of the track is the not vegetation zone to enable safe evacuation from the trains by foot without danger of falls or trips
 - In case of engine fires (which are a particular risk with steam engines) a distance from the track without vegetation is required to ensure that hot embers if they have to be removed, do not cause a bank fire.

Clearances for maintenance of fixed assets, track and sleepers, bed rock, signals

- Leaf litter – dry litter can be blown away naturally, easily and quickly.
 - Where there is insufficient air movement, or light, fallen leaves rot, this may result in a degradation of the wooden sleepers, and the leaf mulch if by the metal rails can lead to deterioration of the metal surface.
 - Wet leaf litter, although pushed away by block breaks can still get between the point of contacts and cause wheel slippage.
- Light and air on the track – wet dark conditions can cause a lichen growth on the sleepers, which leads to a potential for fungal growth
- Fruit fall – fruit falling on the metal track will cause a deterioration in the surface metal (thus reducing the contact surface available and increasing the possibility of derailment)
 - Fruit trees (e.g. crab apples) are cut down and removed if their location means fruit can fall onto the track in autumn.
- Dangerous shrub limbs
 - Branches sticking out can catch passengers or staff and need to be removed

- Hawthorn too close to the track for the required safety clearances needs to be removed, these are coppiced either to 1 ft or if infrequent maintenance is likely, they are taken to the ground.
- Dangerous Trees – trees are considered dangerous and require removal for the following reasons
 - Any tree that is rotten internally, suffering die back (ash) poses a threat of either dropping large limbs onto the track or the tree toppling onto the track during high winds or storm events.
 - These need to be removed to the base
 - Lower limbs or dead parts of the tree need to be removed
 - Coppicing or felling is required
 - Sucker producing species need to be removed to ensure they do not “spout” in the track bed and cause damage.

Clearances for views and access to the fence

- A secure boundary fence is a legal requirement for any operational train, whatever its scale, size, or speed.
 - This is to keep animals and people from wandering onto the track and causing either an accident to themselves or the train and passengers.
 - The majority of the boundary fence for the railway has not been replaced or maintained for at least the last 10 years and is in need of urgent repair, this is a legal requirement
 - Vegetation, shrubs and blackberry bushes need to be cleared regularly to enable access to maintain the boundary fence.
- To enhance the visitor experience a variety of open views are preferred where fields and village features can be seen.

Bank Stability

Areas where statements follow assumptions commonly held by some civil engineers and were view points taken (note civil engineers volunteer their time)

Rabbits

Rabbit damage along the banks – this is severe in some areas where there is particularly sandy soft soils and very little root mat to hinder warren creation.

- Vegetation ground cover is assumed to encourage rabbits to dig holes, therefore with the removal of undergrowth it is assumed rabbit damage will be more easily seen and will be less likely to occur.
- Trees are assumed to encourage rabbits to dig within their root system and protect them

Trees

Trees damage the banks

- Trees are assumed to cause bank failure – The roots are assumed to draw water and cause failure of the surface soil, causing landslides and creep.
- The roots are also assumed to reduce the strength of the bank structure as they grow through the earth and reduce the solid soil mass
- Tree roots harbour rabbits which also cause bank surface failure

Factual research

The following points from research documents are for factual clarification on some of the assumptions and points raised in the conversation.

The tensile strength and capacity of tree roots – point of disagreement

- All trees are not the same and the tree crown shape, fruit form, root characteristic as well as water requirements all need to be considered as some trees are better at providing structural re-enforcement than others.
- Tap roots of certain species of tree provide an anchor that can strengthen bank slope
- Not all species are suitable, but those that can be carefully chosen, that have a deep and complex root system, can provide a barrier for rabbits and other small mammals.

Bank Stability

Slope stabilisation – soil erosion prevention

- Slope failures are often a result of weather events, poor soil structures, poor drainage and/or land use.
- Degrees of instability; deep or catastrophic landslide, superficial landslide, gullies, tunnel or pipe, slippage, creep, rill, slumping, scalding - top soil removal.
- The two most common types of slope failures are rotational failures and creep failures. Creep failures are more common in sandy soils. Sandy Soil dominate along the BVR. Common causes of creep failure are freeze-thaw, overland water flow and inadequate shear strength
- 4 factors to consider; rainfall intensity, erodability (type of soil), steepness, slope length
- Soil erosion can be an issue on banks that are steep (30 degrees or more) and without sufficient vegetative covering or other surface protection techniques (i.e. gabions, spray concrete, geotextile covering)
 - Surface cover is a major factor to control erosion
 - Erosion risk is significantly reduced when there is more than 30% soil cover.
 - Tree roots help prevent landslides on steep slopes and stream bank erosion but they don't stop erosion on moderately sloping hillslopes.
 - Tree canopies need to be carefully managed so as not to cause wind throw
 - If the soil is bare under the tree canopy from over grazing, vehicles or pedestrians, soil erosion will still occur.
 - Conservation cropping practices that maintain cover on soils include minimum and zero tillage practices.
 - Surface cover is the key to erosion control in grazing lands. It prevents erosion by maintaining the soil so it can absorb rainfall.
 - Bioengineering or Eco-engineering has a very high success rate and is much more sustainable, eco-friendly and affordable than other available options.

REF: NR/L2/CIV/086 Module 13, Management of vegetation on earthworks Possible beneficial effects of vegetation on Earthworks include:

- a) canopy cover reducing rainfall infiltration into soil slopes;
- b) erosion protection;
- c) reinforcement through the mechanical effects of roots;
- d) extraction of moisture through hydrological effects; and
- e) sound and sight barrier.

REF: NR/L2/OTK/5201 Level 2 Manual Lineside Vegetation Management Manual (March 2020)

Vegetation management should encourage the establishment of desirable lineside conditions that add value not only to the lineside but also to the surrounding

environment in terms of:

- a) connecting environments;
- b) promoting and providing biodiversity;
- c) protecting areas of ecological and historical importance; and
- d) improving the resilience of the vegetation.

Ref: **NR/L2/OTK/5201/02** Issue: 3 Date: 7 September 2019 Compliance date: 7 December 2019

Where management operations are proposed the impact of such work is assessed and information is gathered regarding:

- a) environmental restrictions that prohibit or limit the extent of work;

NOTE 1: *Consult with environmental specialists to establish these locations*

- b) negative impacts on the public as a result of the vegetation removal;
- c) value provided by trees and vegetation as a visual amenity to the surrounding environment; and
- d) effects on biodiversity.

REF: **NR/L2/OTK/5100/F3077** Issue 1 02 March 2019

Tree hazard identification.

Tree hazard identification is a specialist activity with implications for safety of the railway and its neighbours. There are also legal implications surrounding the identification or mis-identification of issues.

Annex E

View of the Independent Person

Reference

Subject member	Cllr Karen Lawrence
Member's Authority	Broadland District Council
Principal Authority	Broadland District Council
Complainant	Mr David Lowe

Allegation(s) made by the complainant

In his complaint, Mr Lowe alleged that Councillor Lawrence had breached the Code of Conduct for members (the Code). The allegations can be summarised as follows:

1-That Councillor Lawrence visited without invitation a site where vegetation was being cleared by contractors on behalf of the Bure Valley Railway on three separate occasions and challenged the necessity of the work being carried out.

2-That Councillor Lawrence failed to contact the management of the Bure Valley Railway to express her concerns about the work prior to making these unscheduled visits or seek advice from Council Officers prior to acting.

3-That, when doing so Councillor Lawrence conducted herself in an intimidating and confrontational manner.

4-That Councillor Lawrence took photographs of staff without their consent despite being requested not to do so.

Independent Person's comments

I am satisfied that the initial tests for the complaint are met. Having reviewed the complaint I am satisfied it is against a named member of Broadland District Council and that Councillor Lawrence was in office at the time the alleged incidents took place. It would appear that Councillor Lawrence was acting in her official capacity as a Councillor. In her response she stated that she announced herself to those present as a member of the Council and my opinion is that she was conducting Council business when present at the site. I am satisfied that the Code was engaged. The complaint is sufficiently detailed to illustrate that if proven the complaint could amount to a breach of the Code. There are details of witnesses who would be able to provide accounts of what they saw and heard. These accounts would need to be obtained by any investigation.

The incident occurred recently (from 20 November 2020) and therefore I do not consider that it is outside the timescale by which a complaint could reasonably be made. Lastly, the incidents could not in my opinion be considered as trivial, politically motivated or tit for tat. I note that in her response Councillor Lawrence has indicated that she believes the complaint to be “malicious, vexatious and abusing the process”. She has not provided any evidence of this in her response. An investigation should allow these claims to be substantiated and analysed fully.

Based on the evidence I have seen; it is my view that Councillor Lawrence has visited the site on three occasions to challenge the work that was being carried out on land which was leased to the Bure Valley Railway by the Council. Whilst, the evidence would suggest that the relationship between the Council and the Railway is of landlord and tenant, the complainant makes the point that the lease agreement is managed by officers of the Council, not by individual councillors. The complainant suggests that any concerns Councillor Lawrence had about the work being carried out on the land should have been addressed to the officer in charge of the lease agreement. Councillor Lawrence has stated that she had previously tried to address her concerns to the appropriate officer and includes evidence of this in her response to the complaint. It is less clear whether the Council took any action as a result of Councillor Lawrence’s concerns or whether indeed there was any chance for them to do so prior to Councillor Lawrence making her own intervention. An investigation would be able to clarify these issues.

The other parts of Mr Lowe’s complaint relate to the conduct of Councillor Lawrence whilst she was at the site. The complaint gives details of the alleged conduct some of which has come from third party accounts. Details of these witnesses are included in the complaint. Councillor Lawrence’s response indicates that she contests the version of events given by the complainant. She also suggests that she can provide details of members of the public who witnessed some of the interactions. Again my opinion is that an accurate picture of what actually happened during these incidents can only be relied upon by an investigation which would include obtaining accounts from these witnesses.

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurred are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurred, who observed the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompted the alleged disrespect.

Given that Councillor Lawrence has contested the complainants account of what happened during her visits to the site it is difficult to accurately assess whether her conduct did fail below the criteria set out in the paragraph above. An investigation into this matter would allow a much clearer assessment of Councillor Lawrence’s conduct, once the material facts have been established.

In conclusion, taking account of the information provided to me in the complaint and by

the District Council during this assessment, I recommend that the Monitoring Officer refer this Code of Conduct complaint for investigation. In my view this is the only option available in the circumstances. I believe that the initial tests of the complaint are met, so I do not consider taking no further action is an option. The events are contested and if proven would amount to a significant breach of the Code. Both of these facts, in my opinion, make it unsuitable for an informal resolution.

Mark Hedges
Independent Person Broadland District Council

Fri 12/02/2021 22:05

Fiona,

I have passed it on to Ben Goose to contact you,

His email is [REDACTED] if you wish to chase him.

It has also been noticed that she is putting allegations, which are untrue, into her ward parish council meetings! See below

Kind regards

Stuart Clark

20/76 REPORTS

Cllr Lawrence reported on the following:

- She has awarded a total of £1800 in grants to local groups and hoping for another one soon
- The Environmental strategy has been agreed by BDC
- Delivery plan post Covid has been agreed
- The temporary accommodation at Badersfield was due to end in Oct, but it's looking like this is more

likely to be in 2021 now. Cllr Lawrence has secured funding for the year to continue to support those living there. Better screening is in place now so that those more suited to the location and setup are placed there.

- **Bure Valley Railway line has been a focus point for Cllr Lawrence and residents recently, due to concerns around the management of the path and vegetation around it and the liberal use of pesticides.** Council was informed that BDC did not sell off this land and therefore is the owner of this valuable green infrastructure.

On 2 Feb 2021, at 17:27, Anthony, Fiona <fiona.anthony@norfolk.gov.uk> wrote:

Dear Stuart,

Many thanks for your time this afternoon to discuss the complaint against Cllr Lawrence and thank you for sending me the email below.

As we discussed, it would be helpful if I could be put in touch with your colleague, Ben, who you told me telephoned you to tell you of Cllr Lawrence's behaviour

towards him when she first approached him. It would be great if I could speak with him about this incident or if he could email me about it to confirm in his own words what he saw and heard.

I am grateful to you for your assistance with this matter.

Kind regards,

Fiona

Fiona Anthony
Solicitor
nplaw

Tel: 01603 222943
Email: fiona.anthony@norfolk.gov.uk
DX 135926 Norwich 13

<image002.jpg>

From: Stuart Clark <civils@bvrw.co.uk>
Sent: 02 February 2021 17:22
To: Anthony, Fiona <fiona.anthony@norfolk.gov.uk>
Subject: Fwd: Clearing of drains/Becks on BVR managed land at Buxton

WARNING: External email, think before you click!.

Fiona,

This was the email we all received, as I say I'm not sure how she got my email, The way she approaches the subject as a councillor is awful, as you will see as you read it. No previous contact to us or Broadland poor for any clarification either. It just felt like another attempt to attack us.

Kind regards

Stuart Clark

On 23 Jan 2021, at 12:34, Karen Lawrence <karen.lammasbuxton@gmail.com> wrote:

Dear Hazel

I am glad to hear that someone has picked up on this, thank you. The Parish Council were not informed by either BVR nor yourselves of this clarification in 2018 and given the drain is the inner side of the BVR boundary fence and as the leaseholder, it was unsurprising to assume BVR was responsible for maintenance, there was no offence intended and the points made remain the same.

Although I am not sure where you are getting your information from, as the drain itself is not clear - the reed growth looks like it has not been cleared for some time (mill st BVR). The embankment that side has been recently stripped of vegetation bar the mature trees, however the drain itself was not cleared. The vegetative growth from the drain was not removed in May 2020, there was still considerable growth on the embankment at this time - and the drain was not cleared during this work. It remains full of vegetation and please ensure that it is removed - it remains a significant flood risk to Willow Cottage. Please look at the photos taken recently and I checked after I spoke with Stuart Clarke and again on Friday. He very kindly informed me that the tree stump was not situated within the BVR fence boundary (CBeck BVR). As you can see from the photos the tree stump is substantial, the community cleared Camping Beck and as far as I understand BDC is not responsible for clearing Camping Beck itself (its section passes alongside the BDC land), we are contacting the drainage board to understand that - except where this stump from BDC land has fallen into the Beck and is now blocking it. Given the flood risk at the moment we would be grateful if BDC can arrange for the tree stump to be removed.

In terms of the maintenance work contracted could you please clarify what work has been planned, is planned and is included in this maintenance contract with BVR.
Many thanks

warmest Karen Lawrence

.

El jue, 21 de ene. de 2021 a la(s) 09:50, Hazel Ellard (Hazel.Ellard@broadland.gov.uk) escribió:

Dear Cllr Lawrence

Thank you for your e-mail. This should have come to the District Council and not BVR Ltd as the ditch is not maintained by BVR Ltd but by the Council. The issue regarding who maintains this ditch was established in early 2018.

With reference to point 1 the ditch was excavated in 2019 and the fencing replaced. This involved clearing the ditch of blocked fallen trees which included trees from the neighbouring land owners land, and the embankment was cleared to allow access to the ditch. Clearance of debris and organic matter from the ditch was also carried out. The Council paid for the work but the physical work was actually carried out by BVR Ltd. volunteers with the neighbouring landowners permission. There is a budget in the Council's annual maintenance programme for clearance of this ditch. Clearance was undertaken in May 2020 which included brush cutting and minor clearance of woody sediments to make sure the water was free flowing. It is currently free flowing and there is nothing blocking the ditch.

With regards to point 2 I am looking into this further and will come back to you.

Many thanks
Hazel

Hazel Ellard
Growth Delivery Manager
t 01603 430497 e hazel.ellard@broadland.gov.uk

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From: Karen Lawrence <karen.lammasbuxton@gmail.com>
Sent: 18 January 2021 10:32
To: davidl@bvrw.co.uk
Cc: Phil Courtier <pcourtier@s-norfolk.gov.uk>; Hazel Ellard <Hazel.Ellard@Broadland.gov.uk>; civils@bvrw.co.uk; Laura Green <council@buxtonwithlamas.co.uk>; Cllr Karen Lawrence <Cllr.Karen.Lawrence@broadland.gov.uk>
Subject: Clearing of drains/Becks on BVR managed land at Buxton

Dear Mr Lowe

I hope you, your family are well and your business surviving, these are difficult times and tourism has been hit hard. I am writing to you after discussions at Buxton Parish Council Meeting regarding flooding concerns. You may be aware that Buxton village experienced significant flooding incidents on Christmas Eve when at least 8 houses had their gardens flooded. After investigation we identified two waterways; a drain and beck that are either on your land or run partially in it; mill road bridge embankment drain and camping beck entrance to Bure river. We would like you to clear two areas to avoid flooding risk in the village and the significant nuisance this causes. Specifically:

1. Mill st Bridge Embankment footing drain - it is over-grown with weeds and reeds and sediment, this directly impacts on willow cottage as the waters from the drain at the toe of the embankment need to pass from the road drains out to join camping beck further up stream and then into the Bure river. The embankment was recently cleared of all vegetation and this has exacerbated the flood risk as there is very little to slow the surface water runoff, or enable penetration of water into the soil of the embankment. As such the water cannot easily flow along the drain at the toe of the embankment and it backs up into the culvert and fills the garden of willow cottage full of water. Please remove the sediment, reeds and other vegetation from this drain so water can more easily flow to where it can meet the river further up-stream.

2. Camping Beck entrance to Bure River - tree stump blockage - A tree from the embankment fell during the wet weather and high winds, although the farmer removed the part of the tree over his land, he left the tree stump as it was still on the embankment but also

partially breaching the bank of camping beck so that it partially blocks the flow of water from the Beck into the Bure River. Camping Beck flows parallel and along side the railway embankment footing, meeting the smaller drain as it crosses Catchpole land from Tower house, and then flows into the Bure river at the small wooden bridge just before the listed pillared iron bridge. This is a critical waterway, coming as it does from Buxton heath, but during the heavy rains the tree stump position caused a back up of waters in camping beck to an extent that it breached its bank further up-stream flooding the gardens of at least 8 Bungalows in Levishaw close. Please remove or get someone else to remove the tree stump for you (it is a large tree stump) as soon as possible to reduce the risk of flooding.

I can provide photos if you would like to have a clearer sense of the situation in both cases.

Although these drains are on the land and are your responsibility as part of your agreement with BDC, it is appreciated that clearing waterways may not be the normal work load for the volunteers or staff and you may not feel that you have either the equipment or manpower to address these drains. I have cc'd both Hazel Ellard and Phil Courtier here so that you can contact them and see if BDC can help in anyway. I understand from other landowners that they pay a small fee to the drainage board at Kings Lynn, that have statutory authority over the drains and flood management, and they have someone to regularly clear the drain that takes surplus water from the Bure over the Buxton water meadows. I do not know if that is an option, but overall you may find it better value for money to do it that way in the future.

You may also find that not clearing the drain and Beck may have an adverse affect on your insurance, because you have the liability for any flood damage experienced by the homes put at increased flood risk due to in-action. I cannot imagine you need that right now, hence why I have been asked to write to you to see if you can address the situation as soon as possible.

I would also advise you to seek the opinion from a soil and water conservation specialist regarding your approach to vegetation management on steep slopes in a flood prone area. There are simple low cost solutions that can be put in place to slow down the flow of surface water runoff; leaving strips of natural vegetation along the contour of the embankment is the obvious one, especially given the steepness of the slope, its length and the higher intensity rains.

We look forward to hearing from you soon as this issue needs to be addressed as quickly as possible, even if your starting point is that you are not able to respond then we can explore how the issue can be addressed. In the meantime you may want to inform your insurance company.

Yours sincerely

Karen Lawrence B.Eng. MSc. PhD.

cllr Karen Lawrence

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**Investigation into Code of Conduct Complaint against
Councillor Karen Lawrence by David Lowe of the Bure
Valley Railway**

Notes of Discussions

Notes of Discussions

Annex G - Phil Courtier, Director of Place, Broadland District Council, on 1st February 2021

Annex H - Hazel Ellard, Growth Delivery Manager, Broadland District Council, on 1st February 2021

Annex I - Annie Sommazzi, former employee of Broadland District Council, on 11th February 2021

Annex J - David Lowe, Complainant and volunteer director at BVR, on 26th January 2021 and 27th January 2021

Annex K - Matthew Howard, employee of BVR, on 1st February 2021

Annex L - Stuart Clark, volunteer and contractor at BVR, on 2nd February 2021

Annex M - Andrew Barnes, Managing Director of BVR, on 3rd February 2021

Annex N - Ben Goose, subcontractor at BVR, on 11th February 2021

Annex O - Cllr Karen Lawrence, subject of complaint, on 12th February 2021

Annex G - Note of discussion with Phil Courtier

1 February 2021

I am Director of Place at Broadland District Council.

I had a Zoom call with Anni Sommazzi and Cllr Lawrence before Christmas. We discussed the BVR lease, as Cllr Lawrence had asked whether the council had any influence as a landowner and whether we could stop the BVR's activities under our regulatory powers. My advice was that we couldn't prevent their activities.

Annex H - Note of discussion with Hazel Ellard

1 February 2021

I am the Growth Delivery Manager at Broadland District Council and the manager of Annie Sommazzi, who was dealing with the BVR until she left in December 2020.

I have had contact with Stuart Clark at BVR. I haven't met Cllr Lawrence but have had emails from her.

The lease is with the BVR. We can't tell the BVR what to do.

Annex I - Note of discussion with Annie Sommazzi

11 February 2021

I met with Phil Courtier and Karen Lawrence (KL) a week beforehand. I had sought legal advice as to why we couldn't stop BVR doing the work. BDC were not meeting all our obligations under the lease to BVR. The lease was silent on a lot of things. So I explained to KL why we couldn't carry out enforcement action.

A year ago, we removed some trees with ash dieback. We didn't do a public consultation but it wasn't significant. There was a felling licence and it was done by Norfolk County Council. KL went round and round. She sent me about 20 emails.

I have had no direct observation of the interactions between KL and the BVR. Stuart (Clark) would ring me afterwards. I was managing to keep a cordial relationship with them.

Annex J - Note of discussion with David Lowe

26 January 2021

I am a director of Bure Valley Railway. We have some paid staff and some volunteers. I am a volunteer director responsible for safety. I look after the documentation, risk assessments, et.

Andrew Barnes is the Managing Director. He brought Cllr Lawrence's behaviour to my attention.

I'm unsure of the dates of all Cllr Lawrence's visits to our work sites. I have reported dates when staff have said they felt uncomfortable.

Stuart Clark is employed as a contractor. His business does groundwork. He also volunteers for BVR. He supervises volunteers and employees.

Ben Goose is subcontracted by Stuart. He was driving the flail I referred to in my written complaint.

We lost about 90 minutes of work for Stuart Clark to speak to Cllr Lawrence. The way she engaged was overstepping the boundary as to what was reasonable and inappropriate. It's OK to ask questions. She could have made enquiries with the council and could have engaged with BVR. Instead, she tried to discuss with the contractor the terms of the lease and payments to the council. I think this falls under commercial confidentiality.

Cllr Lawrence has been taking a large number of photos. The staff were concerned it was photos of them. They felt their conduct was being challenged and the photos compounded it. I put in a FOI request. Cllr Lawrence was holding herself out as a member of the council. The photos that came back appeared to have been selected to show no staff. Our staff say a lot more photos were taken. I wonder if she deleted some photos or whether she withheld some.

I have no problem that Cllr Lawrence disagrees with us. Our relationship with the council is undertaken through the officers. They sometimes come to us and ask us for explanations I don't expect site visits from councillors. The previous Buxton ward councillor asked for the undergrowth to be cut back.

Cllr Lawrence is clearly known as a councillor and I assumed she was working as a councillor when interacting with our staff. It is outside the proper role of a ward councillor. It would be acceptable for her to visit a site to gather information. People on site could think she was speaking on behalf of the council.

Prior to the complaint, I'm not aware of any requests for information from BVR.

We are not a political organisation although, in the past, councillors have tried to use BVR as a political football. They are generally supportive. We want a professional relationship as leasehold tenants.

I have had no direct contact with Cllr Lawrence but I would suggest that evidence can be obtained from Matthew Howard, Andrew Barnes and Stuart Clark.

I would like:

- a written acknowledgement that what happened was wrong
- such actions as the Monitoring Officer or Standards Committee can take, as far as they can, to prevent it from happening again

I would of course like there to be a positive future relationship with Councillor Lawrence that is within the spirit as well as the letter of the code, and I think that an apology is essential to enable that.

Annex K - Note of discussion with Matthew Howard

1 February 2021

I am a member of staff with BVR.

Councillor Lawrence visited the sites I was working on multiple times. At a rough guess, about 4 or 5 times over 10 days. It first started around 20 November 2020.

I knew Cllr Lawrence was a councillor. She didn't say so but Stuart (Clark) told me.

Cllr Lawrence took some photos of the work we were doing. I turned round and she took photos of me. I hadn't consented to it. I think she took the photos to use in a complaint. I don't think she intended to take the photo of me because I was in front of her. I had been advised that, if there was any confrontation, to say nothing and not get involved.

I have seen Cllr Lawrence being confrontational towards members of staff. We're just doing what we're paid to do.

The first 2 or 3 times Cllr Lawrence came past, she was obviously not happy. It seemed very personal to her. She was not accepting that the work we were doing was for safety purposes. There was some shouting, she was raising her voice, it wasn't a nice calm conversation. On most occasions, she would talk to Stuart. He was overseeing the work. I let him deal with the situation. We do have people asking us about our work. I don't want to get involved.

When Cllr Lawrence spoke to Stuart, she didn't look happy. She would have a discussion, walk off, then come back and take photos. I don't know what she was taking photos of.

The situation made me feel uncomfortable, especially as I thought she would use the photos of my work for an official complaint.

Cllr Lawrence wasn't physically aggressive, it was all verbal aggression. Her facial expression was agitated. She was shouting for about 5 or 10 minutes. It was an in-depth discussion, not just a couple of sentences.

She was definitely going further than she should have. She was not shouting because of the distance, she wasn't far away.

Annex L - Note of discussion with Stuart Clark

2 February 2021

I am a volunteer at the Bure Valley Railway. I am a contractor with the BVR and I am also a contractor with Broadland District Council.

I recall the day of Friday 20th November 2020 when we were at Hautbois working on the footpath cutting wind-blown tress for BDC and on the other side of the fence for BVR, as well as working on the fencing for BDC. I was with Ben Goose, who was flailing. I got a call from Ben, who said a woman had approached him, flung her bike on the ground and was shouting and screaming at him, saying, "What the hell do you think you're doing?". Ben warned me that she was coming over to me. As she approached me, she said, "Who are you and what are you doing?" She sounded hostile.

I said, "Who are you?" She said she was the councillor for Buxton ward. She said she knew me. She said, "You're a shareholder in the railway". She sounded as though she was accusing me.

I explained that we were replacing fences on behalf of the council. She then explained her background. I tried to engage with her but she was irrational and not listening. She was saying things like, "You shouldn't do this...". She had a skewed view of wildlife and habitat.

She took photos as she approached us. I said she didn't have permission to do this.

She was criticising the work. She had a go about using pesticides. It didn't matter what I told her or explained to her, she took no notice. She was there for about an hour and 45 minutes. I spent the time trying to explain things to her but she was completely one-sided. She was shouting, screaming and irrational. She asked for my telephone number but I refused to give it to her. Because of her behaviour, I didn't want her phoning me. She gave me her number but I wasn't going to use it, as I didn't think it was appropriate. The conversation had been one-sided, her way, hostile.

The last 20 minutes of this time was more relaxed and more of a discussion. She said the council had sorted out all these fences but I pointed out that I had done all the work. She was trying to take credit for my work.

After all this time, I left, as I had work to do. Ben Goose told me that she hung around and other people joined her. He said they were mouthing off at him but didn't listen and carried on flailing.

When Cllr Lawrence was shouting at Ben, there had been noise but there was no noise where we were; you could hear the birds. She seemed wound up and hostile. She was making hand gestures and pointing, demanding to know things. She was clearly not happy.

I found it disturbing that she had done investigations into my background. It was not relevant and none of her business. When she had asked me who I was, I said "I don't need to tell you. Who are you?" I didn't want to tell someone who was so hostile. I felt intimidated.

As she was discussing things about the council and officers and budgets, it was clear that she was there in her councillor role and not in her personal capacity.

It didn't matter what I said, she said I was wrong. She said "I've got friends in HS2". She said it was wrong to take out dead trees. We shouldn't be doing things the way we were. It was all about her and what she wanted.

Cllr Lawrence said she wanted a dialogue with the railway but there was no dialogue. It was just an approach to me while I was working on site. I didn't want her to have my number, so I didn't call her.

She was not constructive. There was no middle-ground or leeway. She didn't listen or pay attention. She told me I was wrong and said she had friends who would say different. I was not treated with respect.

On Monday 23rd November 2020, I am told that Cllr Lawrence approached some volunteers working on site at Buxton. I didn't see her.

On 24th November, she came twice – at 11.30am and 13.05pm. She took photos of the work that had been done. Sometimes she would just take photos.

She would appear each day and ask why we were doing something. She always said it was wrong and we shouldn't be doing this or that. She tried to involve passers-by but they just ignored her.

I had enough of confrontation. I told her to take the issues to BDC. I told everyone at the BVR not to engage with her. I called Annie (Sommazzi) and explained my concerns.

Every day we were there, you could guarantee that she would be there. She took loads of photos. I wasn't scared but I did think "What's coming next?". She took

hundreds of photos including of staff and volunteers. She clearly disliked anything we were doing.

Even in the last few weeks, she always comes out and makes her presence known. It feels like she is orchestrating other people to complain. It feels like harassment.

I worked well with Annie and Hazel (Ellard) at the council. They were all brilliant. They had a lot of contact from Cllr Lawrence.

In the second week, Cllr Lawrence tried to talk to me on site but I just tried to refer her to the council. We didn't want to engage. She had tunnel vision, no leeway. I told her she had no permission to take photos. I was polite.

She recently sent us an email about a tree that had come down. It was a council tree. She got hold of my email somehow and copied me in. It was to me, David (Lowe), Phil Courtier and Hazel. It feels like she is trying to attack us however she can. I referred it to the council. It was their issue.

Cllr Lawrence has bad communication skills. Her behaviour isn't appropriate.

Annex M - Note of discussion with Andrew Barnes

3 February 2021

I am the Managing Director of Bure Valley railway. I am a full-time employee and draw a salary and I am a joint majority shareholder. I have ultimate corporate and regulatory responsibility for the safe operation of the railway.

I have had no face to face contact with Cllr Lawrence. I get reports from staff coming to me at the end of the day as their employer. I have a duty of care towards them as my staff.

I was proactively approached by the council and told that Cllr Lawrence was asking numerous questions which were outside her remit and wanted to approach the railway company directly. The Council advised us that the relationship between the railway and the Council was with officers not elected members and if approached we should refer Cllr Lawrence back to the BDC officers. They said the relationship between the council and BVR was contractual. There is a 125 year lease with the council. We had been bringing deficits to their attention for 20 years. A previous council Chief Executive, Colin Bland, stated the railway company could buy the freehold and take on the obligations, but subsequently there was a change of administration and a change of heart. There is a group of elected councillors who have an issue with the railway and regard it as a Council railway when in fact they are simply the landlord and neither elected members or the Council have a say in the way the railway is operated, provided the terms of the lease are complied with. Management of the lease is handled by officers, to whom elected members should refer any issues.

We take safety and management very seriously. We have used lockdown to get staff doing work so it is safe and ready when we can operate again. We are not anti-

wildlife and not destroying habitat, simply replacing it. I can be held personally liable by the Rail Regulator if something goes wrong and we are seen to have been negligent in our statutory obligations. A number of bulletins from the regulator (Office of Road and Rail Regulation and Railway Accident Investigation Branch) have highlighted that they are focusing on fencing and lineside vegetation.

In 2019 there were some cattle incursions onto the railway at Hautbois. They broke down fencing. I told BDC and they gave the contract to Stuart Clark to replace the fencing. Flailing needed to take place first and this was done in November 2020. Stuart came back one day and told me that a lady had come along on her bicycle and she was “out of control”. He told me it was Councillor Lawrence and asked me to refer it to the council. He had spoken to her and she was wearing a Council lanyard and identity pass.

On subsequent occasions, a number of my staff came to me and said they were not happy with approaches by Cllr Lawrence whilst they were working. They advised that she was confrontational and was intimidating and harassing our staff who just wanted to do their job in peace.

I spoke to Annie at BDC. She told me that she was finding it difficult to work with Cllr Lawrence, who had said to her that she was incompetent and doesn't know how to do her job. I spoke to Phil Courtier and emailed Emma Hodds. I wasn't intending to make a formal complaint, simply wish to highlight the challenges we were encountering. Emma Hodds said it should be raised as a formal complaint. David Lowe deals with regulatory and compliance issues, so he made the complaint.

Subsequent to the complaint, Cllr Lawrence has been pot stirring in Buxton. I live there. She has been complaining to BDC and Norfolk Wildlife Trust. It is wasting our time and resources and takes up a lot of time. We feel victimised because she has different views from us, which fail to understand or acknowledge our statutory obligations.

Cllr Lawrence hasn't worked constructively with the organisation; quite the opposite. We would welcome constructive discussion with the council, not Cllr Lawrence. From her past conduct, there won't be a meeting of minds or understanding. I do speak with the officers and I've had no problem working with Annie or Phil Courtier.

I don't think Cllr Lawrence has listened to our interests or understood our statutory obligations.

She has treated us with contempt, not respect. We have been vilified without an opportunity to put a clear and balanced view forward. Our staff are being confronted and challenged. Cllr Lawrence is not asking questions – she makes statements, saying we are wrong and things shouldn't be done. Questioning and probing are OK but she uses confrontation and challenge. It is almost fundamentalism; no other point of view is allowed. I am totally demoralised by it. It has ground me down and I am so fed up. I've been here 23 years and this is the lowest point in all that time. This persecution is totally demoralising. We feel we can't win. We have a good professional relationship with BDC. We don't want to fall out with anybody. This is taking up too much time and energy.

Annex N - Note of discussion with Ben Goose

11 February 2021

I am a subcontractor for Stuart Clark.

In November 2020 (I don't know the exact date), I was cutting a verge for Stuart. I was stopping whenever someone came along on the footpath.

A lady jumped off her bike. She was going for it. She was in orbit. She was acting as if something was really wrong. She said, "What are you doing? You're destroying habitat". It was almost like I was cutting down a hedge in her garden. She was angry, over the top, irate. She was not polite. She was shouting but there was no need. She was taking photos.

I contacted Stuart.

There was an easy way for her to find out what I was doing if she had wanted to but it was apparent that she didn't want a conversation. She wasn't really trying to find out what I was doing. She was confrontational. I watched her go mental.

She could have handled it better. There were 3 or 4 of my BVR colleagues on the path she could have spoken to first. I didn't know who she was.

She didn't treat me with respect. She was bawling, shouting and accusing. There was lots of criticism but it wasn't constructive. This wasn't the right way to go about it. She was going mad and throwing her weight about

Annex O - Note of discussion with Karen Lawrence

12 February 2021

We spent some time discussing the role of the investigator and the way in which the complaints process operates.

I have three identities – as resident, as councillor and as a professional with 30 years' experience of those exploiting the environment. I shift identities part way through this narrative.

On 20th November 2020, I was on my bike going towards Little Hautbois. I came across, suddenly, a JCB doing work along the trackside of the BVR. I stopped and put my bike down. I said stop and waved my hands. At first I didn't realise it was a flailer, all I saw was a JCB and I didn't know who was doing this. There were no notices.

It was noisy and he was in his cab with windows so there was no point in saying anything. I might have mouthed things, like "What are you doing?". He couldn't hear me but he might have read my lips. I wanted to make sure he wasn't doing any damage.

I had checked beforehand whether any work was being done. So his presence was unexpected. At first I thought he was digging up the embankment. I saw the driver making a call. Then I looked and assessed that he wasn't doing any damage and realised it was a flailer.

I saw 2 men in the distance. I made a sign to say "are you with them?"

I took photos of the JCB's number plate, so I could identify it afterwards, which was something advised to do by the police.

I picked up my bike and walked up the path to the 2 men situated further along the path toward Fendyk farm. They had been cutting vegetation on the footpath. I was not aware of any contract or agreement for them to do this as I had looked up the contract lists for 2019 and 2020. There was no information or signage on the path. One of the men was wearing a May Gurney high vis jacket.

I said "Are you with this guy – in the JCB? What are you doing? I'm a district councillor of Buxton ward and I would like to understand what's going on. There's no contract for you to do any work here."

One man (later identified as Stuart Clarke) said, "I've been warned about you, Annie told me to be careful of you." – although I was taken aback on hearing this I did not pursue it, but I asked again who he was and what he was doing. I told him there was no contract to do the work. I took photos and they turned their backs. I thought they seemed very defensive. So I did not take any more photos and told them I would not do so again and put my phone away.

I needed to ask more questions and I wanted to engage with him (the dark haired man was quiet).

The man said, "Do you know who I am?" I said that if he was Stuart Clark, he is a shareholder in the Bure Valley Railway (BVR). I wanted him to help me to understand what they were doing and why.

He seemed aggressive, asking whether I had read the Railway Act of 1888. He talked about some incidents that had happened elsewhere on railways several years ago involving trees on the line. He was forthright. I didn't respond to his aggression and listened to his points as he made too many to remember all of them, when I had a chance I then asked another question.

Eventually Stuart Clark said, "You're alright – not like the people at Little Hautbois." He was referring to an incident of tree cutting which he explained had to be done because the trees were diseased there and residents disagreed with him doing the work. As I knew of the event he was talking about, I asked him whether he had any qualifications to assess the health of trees and how he knew whether the tree was dangerous or not. We also spoke about the spraying of glysohate (round up) on the sides of embankments and he explained they had to do it to allow people to escape from the train if there were an accident, and create an evacuation clearance either side of the train track. I explained to him that there were incidents where the herbicide was sprayed right up the bank and that people were not happy. I asked why they were doing these things and why there was no signage to warn people when they were using a spray. I asked him if he wanted to be in conflict with the community that lives along the line, he said he did not. I tried to explore common issues around how fences needed to be mended, bridges needed to be maintained, he blamed BDC and referred to an incident when BVR tried to buy the line and footpath but were not successful. He also mentioned an EDP article where BDC had promised to waiver their rent but still had not offered this.

By the end, it was just a normal conversation. He explained many of the safety issues they have to consider when they cut the vegetation so passengers are safe. We agreed that we did not want people. I said that my vision was for us to work together. I said I wanted a 5 year management plan for the BVR route, one that everyone could buy into. It felt really positive by the end. It was worth going through everything with him and working with him through his concerns.

He complained that the council had not done this and that. I agreed. I said that I would look after the BVR and give my support.

After our conversation, he walked off. The flailing continued.

Whilst I was still on the path I had a call from [REDACTED], who wanted to meet me. I said that I had just had a conversation with Stuart Clark. I waited at the site for [REDACTED] and for [REDACTED], a local landowner at Buxton. When she arrived, Ann told me that she had put her arm up and shaken her fist at the men, but I did not see it.

I told [REDACTED] that I had had a good talk with Stuart Clark. I talked them through what had been said about the vegetation. I gesticulate a lot and move my arms around when I speak.

██████████ joined us by bike. I had been there for another hour and was very cold. I wanted to calm down emotions.

I went home and wrote up notes of my conversation with Stuart Clark. I circulated them to a group of 5. There had been concerns about the BVR since 2018 and old conflicts with various people going back at least 10 years.

On 20th November when I took some photos, Stuart Clarke asked me not to take photos of either of them. I said that I hadn't taken photos of their faces and would take no more.

On 22nd November, I went on a walk to Brampton to visit ██████████. I saw a significant amount of trees and hawthorn trees being chopped down and vegetation being piled up for burning (took a photo of a Gerry can of petrol). I took photos. I said hello to a volunteer. I asked if they had an ecologist or arborist advising and he said no. I'm always polite with volunteers. It's not fair to make them feel bad. I took photos and went on my way.

The same day, I sent Phil Courtier a message with photos to say that a lot of Vegetation was being cut down.

On 23rd November, I went on the same walk. There was now burning of vegetation taking place. It was like Armageddon, with thick black smoke. I took photos but not of staff. I asked a dog walker if they were OK because they were walking through thick clouds of blackish smoke. I asked a volunteer about him clearing the leaves (which were wet and causing the smoke). He told me they had to clear the leaves and burn them, if they did not burn them here then they had to take them away and burn them so they may as well do it here I was trying to understand the practice. There were no notices or signage warning the public. They were chipping the wood and the chips were flying sometimes across the path. This was a health and safety violation.

I always take photos. This is how I manage my emotions. It helps me to process what I am seeing. But I did not take photos of people because Stuart asked me not to do so and I told him I would not.

At a recent parish council meeting I was asked to take photos of fallen trees blocking the river. So, on 24th November, I did a long walking loop that included going along the BVR railway path again. There was a warning sign for tree cutting. I approached a volunteer and asked "How far are you going?" He told me to ask the man at the front. I went to the front of the train and asked him and it was Stuart Clark. He turned round and was very angry. He said, "You're not to talk to us. I thought you were different. I was told you met up with others." He had a lot of volunteers with him. I thought it was not the time for conversation. I took photos again of the cut vegetation but not of them.

I walked past again coming back later still on the longer walking loop. There was shouting behind me but I don't know what was said. I said Hi as I went past as I always do.

Then I had a meeting with Phil Courtier and Annie (Sommazzi) on the Friday. This was the first time I had any clarity. I had asked Annie for a copy of the lease twice,

but I never got a reply. I didn't ask Stuart Clark for it. I had been asked by a resident to see the lease to understand what the railway can and can't do. Annie had stopped responding to me. I had no idea why. During that Friday meeting I did a presentation for Phil Courtier and Annie to frame the conversation.

During the first conversation Stuart Clark had said he had seen an article in the local paper that the council would waive their rent. He said that had not happened, so the financial support BVR was getting was the first topic I presented. I wanted to understand that with Phil and Annie.

Also during that first conversation Stuart Clark had also told me Annie Sommazzi was leaving and said, "You're the reason". I was surprised at the time, but again said nothing. During this meeting.

One of the parish councils had asked me about the 125 year lease. Phil Courtier clarified about the 125 year lease in this meeting and said the area that this covered, stating it was like a landlord relationship and they could not tell them how to manage the land they leased from BDC.

We (BDC) are the landowner, they (BVR) have rights over the land. We can't tell them what to do. He explained that anything trackside is theirs. Annie should have been clearer about this before, but she did not reply to my emails on this matter. The issues about vegetation clearance has continued. But I tell the parish council: if it's trackside, write to the railway. If it's on the footpath, talk to Hazel (Ellard).

Turning to the specific allegations:

They said I wore a lanyard. At no point did I wear a lanyard. I hate wearing them.

When I spoke with Stuart Clark, I was asking questions. I probably did come across as challenging and so I should do. I thought they were random people doing damage to the path or railway siding.

I am very direct. Some may feel that's challenging. I felt the question needed to be asked. If there had been a notice to warn the public or explain, that would be fine. The only sign was on the jacket and that said May Gurney. It wasn't my intention to be challenging.

I said I would make sure there would be budgets for them. Stuart Clark had complained that there was never any money for maintenance. We spoke about council decisions in that respect and that I would try to ensure they had the maintenance budget required for proper upkeep of the infrastructure.

I did listen to his answers. I do ask lots of questions. I tried to be gentle, not provocative. I asked, "How do you know the trees are dangerous? Do you have an arborist?"

I may be an irritating pain in the arse. There is a difference in the interpretation.

I did ask some questions while the men were working but there were not a lot of questions or approaches. There were 3 occasions when I asked questions. I said hello to staff when I saw them. This is normal. I've said thanks and tried to be kind.

I didn't contact the BVR directly. I wanted to understand the lease first because that is the basis of the relationship they have, it underpins everything.

I contacted the ORR (Office of Rail and Road) as a private citizen, not as a councillor. Stuart Clark had led me to believe that the ORR would shut them down if certain things, like new fences and bridge maintenance, were not done by BDC. But that sounded a strange way for a government body to act so I decided to ask to find out what were the safety requirements they were required to fulfil on the heritage line, which is smaller than normal railways.

Now I can't ask the BVR things because they have put in this complaint.

I gave my number to Stuart Clark because I wanted a dialogue, I suggested David Lowe, his boss call me to talk.

My behaviour is not harassment. I've been very careful. I was super careful about the questions. I took no photos of them. I take loads of photos of what they're doing to the vegetation and the damage done to the fencing when they have removed vegetation.

I am proactive with everything. I listened to all the community. If Annie had got back to me, I wouldn't need to have done so much myself. Officers have a limited amount of time. I'm a very good researcher. I use contacts I have to ensure we have all the information. Does that irritate some of the officers? If you don't like it, do your job better. Don't ask me to be less good or not to care. That's why I was elected, people feel I am doing a good job. That's my understanding of what my job is as a councillor.

I have been as constructive as I am able but they put in a complaint and stopped the process.

My job is to represent the community. It started in December 2019 about ash die-back. I have presented these concerns to Annie as objectively as I can. I have explored all aspects of the problem. My understanding from the conversation with Phil Courtier that this is not a partnership, he stressed it's a contractual relationship. My conversation with Stuart Clark was constructive but accidental. I would be more than open to a management plan but that has not been possible yet. It's not my job to create partnership opportunities and neither am I in a position to do so. I've actively encouraged the community to work with them. I've done my best to present their case to the community. But I'm not the portfolio holder.

I did ask Annie Sommazzi for information. She didn't reply to my suggestions or concerns. I don't know why. I suspect she got overwhelmed with correspondence. I just got silence. You can't solve a 10 year problematic relationship. I would like a civic mediation process to be facilitated, it needs someone neutral.

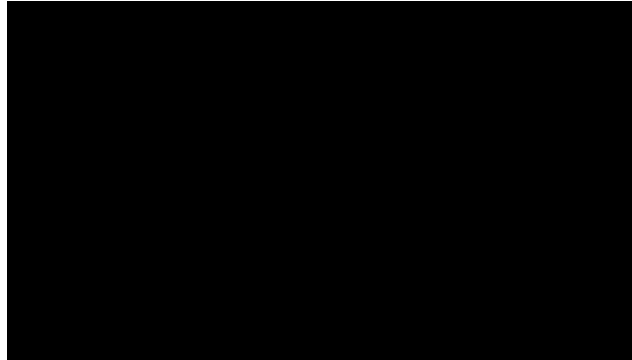
I do think I have always treated people with respect. It's so instinctive, I don't even think about it. I'm forthright and direct with respect. I'm always super careful with volunteers and officers. I try to put myself in their shoes. I say we should be kind but firm. I am direct – I'm not typically English in that way.

I probably do annoy the officers. This is a very complex issue, you cannot solve it by just complying to the will on only one stakeholder. I try to be objective but people are very emotional about their trees. Lockdown hasn't helped as it has escalated emotions in the community. I am as I am.

I Karen Lawrence do declare this to be a true and accurate description of the events that took place between BVR representatives and myself and BDC staff between 20th November and 30th November 2020.

Signed:

Dated: 17th March 2021



Response from Cllr Lawrence to Investigator's Report

Comments on the Findings of fact in the Report from NP Law

- Response Summary of findings of the facts pages 1-4,
- Comments on the breach of the code pages 5-6
- Details on specific facts per paragraph pages 7-12
- Comment on the report quality page 12

Key points

- **Investigator established that cllr Lawrence did acknowledge the advice of officers** which was given on the 24th Nov and therefore did follow their advice
- **Witness statement on the 20th supports the version of events from cllr Lawrence** where she listened and spoke calmly and contests that view presented by Stuart Clark. This statement was not read by the independent investigator because the person was casually walking past and was forgotten about in the original response by cllr Lawrence. The investigator may have come to a different conclusion if this witness had been found earlier and she had heard his statement. It has taken time to track them down.
- **Cllr Lawrence did not know when or where the BVR maintenance team would be working** so it was accidentally to find them on the 20th and as she went in the opposite direction, to visit her brother grave, she did not expect to see them two days later in a completely different place. She had no idea that they would be there on following days as there was no information about their planned works. She was **always on a public footpath at all times and was not in the work site** at any exchange.

Fact findings

Fact Finding-1: Report failed to establish that the first incident was the only incident where cllr Lawrence stated she was a councillor. In all three subsequent exchanges she acted as a resident on private walks on a public footpath (see new evidence A, B and C). No evidence of perceived or claimed intimidation was provided on those occasions.

- Report fails to clarify that the **place of work for BVR staff was trackside, a 9 mile stretch of line** situated next door to a public footpath owned by BDC. (See new evidence A, B, C)

Disagree with the finding that cllr Lawrence was informed by residents that someone was burning vegetation along the footpath on the 19th November and took a bike ride there the following day– this is a fabrication and there is no evidence to support this statement. She also disagrees that “*she asked them what they were doing on every occasion*”, this is incorrect. She agrees that only on the 22nd she asked men working on a public footpath what they were doing as **there was no reason for BVR staff to be working there on the public footpath** and there was no notification of such works.

Disagrees that on the 22nd November she shouted for 90 minutes as stated in the report, she disagrees that she questioned Mr Clark about pesticide use as cllr Lawrence only uses the chemical and technical term Glyphosate, see a copy of the report shared with the PC on the 23rd (new evidence H of what was shared with the PC).

- New evidence (new evidence D) is presented, **a witness statement that corroborates the version of events on the 20th November described by Cllr Lawrence**. Where she was not shouting or acting in an intimidating manner with Mr Clark, but had a bicycle in her hands and was listening and talking calmly.
- This statement was not seen by the investigator because he was remembered later and then it took time to locate the witness. It is suggested **the investigator would have had a different finding of fact** if she had seen it or talked with the witness.

Subsequent events included in this report should not be included as cllr Lawrence was acting in a private capacity as a resident, did not introduce herself as a cllr on those occasions and did not have a lanyard. She was also on a public footpath, not at the BVR place of work as she was not on the track. She did not know where the BVR would be working on any day at any time. They should not have been included in the analysis. Where they have been included there are errors in the evidence, and strategic omissions of facts that render the conclusions invalid.

Agreed that she did initially allow her bicycle to drop to the footpath side and raise her arms, waived them a couple of times and shouted stop when she saw a JCB arm on the embankment of the BVR trackside as it was travelling on the neighbouring field. She was concerned that damage to the BVR was being done.

Agreed that cllr Lawrence did exchange with Mr Clark for 90 minutes, with Mr Howard sitting on his trolley listening, where she asked many questions and listened to his views (see evidence 8 resubmitted (and evidence 8 original format), an email sent on the 22nd November sharing BVR views and the notes of the conversation).

Fact finding – 2: Disagree that cllr failed to contact management of the Bure Valley railway to express her concerns about the work being undertaken. As stated earlier in the report, to do so before advice was given by officers would have been imprudent. It was correct to wait for advice. It was **established by the investigator that cllr Lawrence did in fact wait for advice of officers and then follow it**, but this was not explicitly referenced in this 2nd version of the report.

- **Cllr Lawrence on the 20th gave her number to Mr Clark to give to Mr Lowe to set up a meeting with him** as explained in an email to residents (evidence 8, see newer version at a large font size) sent on the 22nd of November where cllr Lawrence states “*I am trying to set up a meeting with others in BVR regarding what their immediate plans are for vegetation management.*”
- Agreed that **cllr Lawrence did seek information from council officers prior to acting**, they responded on other topics but did not give their final advice on the lease until 24th November and as evidence 9, an email sharing the opinion of officers, and (Evidence E) an email from Phil Courtier thanking me for my support of officers position in a meeting on 23 march lead by the Broadland tree warden association where several district councillors, residents, parish councillors, NWT staff, NCC and BDC and residents were expressing various concerns and positions regarding the BVR vegetation management. See new evidence of notes of said meeting.

The complaint by BVR was submitted a week after the exchange and Mr Lowe did not respond using the phone number. Mr Clark had been so clear about the reasons for why vegetation was being managed, see resubmitted evidence 8, which include notes of the meeting with Mr Clark, that there was nothing to ask. Also Officers had been very clear on the 24th that no influence was possible due to the conditions of the lease, see the email sent to residents sharing officers view, evidence 9. They also advised that residents should contact BVR directly therefore if they had concerns. I shared this advice with residents. Other organisations like Norfolk Wildlife Trust and Broadland Tree Warden association were also being contacted by residents and were engaging with BVR management. That is why I did not feel it appropriate to contact them on top of this, I suggested that people contact them directly.

- **The officers advice was that residents needed to contact BVR directly.**

Fact Finding – 3: Disagree. On 20th November, **new evidence D (witness statement of Mr J Buck)** suggests that **Cllr Karen Lawrence did not shout at Mr Clark, but held her bicycle and spoke quietly. The witness statement suggests that Mr Clark was agitated in his delivery.**

Mr Goose's testimony is questionable because he was sitting behind glass, in a cab on a working JCB with the engine running, several hundred metres from Mr Clark and Mr Howard. It has not been established how he could have supposedly heard or seen if he was working as he needed to keep an eye on where the flayer was being used so that it would not damage the track.

It was **demonstrated that Mr Stuart Clark was listened to and their need for safety was acknowledged, understood and passed on to residents.** This statement by Mr Clark quoted by the investigator states *“It didn't matter what I told her or explained to her, she took no notice”* it is not true. Resubmitted evidence 8, which is an email sharing the BVR perspective with residents and includes the notes, could not have been written unless cllr Lawrence had listened. It is not clear why the investigator did not refer to this email.

No evidence was brought to suggest any of the staff on any other occasion felt intimidated by a resident of Buxton asking **one question on each of the three occasions.** The exchanges on the 22, 23rd and 24th were in the opposite direction from the first incident and should not have been presented linked. Under H&E 1974, section 3 there is a duty of care to the public to inform them of H&E risks. There was no such information or notification and this is what promoted a concerned resident to ask questions.

- **If the investigator had considered email of the 22nd of Nov, sent two days after the exchange and had been able to read the new witness statement, then her finding of the fact may have been different.**

Fact Finding – 4: Agree with the overall finding, that photos were not taken of staff. **Disagree** with the stated fact that *“she took one photo of a workers face but deleted it when Mr Clark told her that she should not take photos of the Bure valley railway workers”* (ref page 6) – there is **no evidence to substantiate that photos were deleted.** It is a fabrication. The photos are in sequence and remain in sequence on the phone. Not all were shared.

List of Evidence relevant to the report and current accusation (note the accusation has changed three times)

New Evidence A: Location of exchange 20th Hautbois Hall

New Evidence B: Location of exchanges 22, 23 & 24th Buxton Corner

New Evidence C: BVR circular walk location of all exchanges

New Evidence D: Signed witness statement of JB to 20th Nov 2020

New Evidence E: Fw Phil C thanks 3rd April

New Evidence F: Position statement of NWT on BVR

New Evidence G: Notes of the meeting 23rd March Broadland Tree Warden Association

New Evidence H: Glyphosate report shared with Buxton PC 23rd Nov

New submission of Evidence 8: email sent 22nd Nov update on the meeting with Stuart Clark 20th Nov

Evidence 9: Feedback on the BDC meeting 24th Nov, sent on the 25th Nov

The other evidence in the pack relates to the points to the original complaint and the 1st Draft of the report

Page 7: Does the behaviour described in the initial complaint breach the code?

3.5. Listening to the interests of all parties.....

Page 7: *"I take the view that Cllr Lawrence does not listen to the views of the Bure Valley Railway".*

- Evidence 8 Email of 22nd November specifically shares information shared by Stuart Clark in that encounter to others in the community
- Extensive notes made on that meeting and shared with people: new evidence.
- NWT email position also acknowledges that several people have contacted them with their concerns, so this is a concern of many residents living in villages along the BVR route (at least 4 villages)
- This view is largely unsubstantiated as several parties were contacted to explore the views of various parties within the Railway sector. My telephone number was given to Stuart Clarke to share with David Lowe in order to set up a meeting and discuss more. This was referenced in the email dated 22nd November where I state I am intending to set up a meeting.

"and further she has not waited to receive advice from professional officers that Broadland District Council could not take any action against Bure Valley Railway."

- Meeting 24th November the position of BDC was clarified and advice given: This meeting was called by Cllr Lawrence after many attempts to get a response with an officer had failed. In that meeting the following position was clarified.
 - BDC has no authority to tell BVR how to manage the vegetation covered under the leasehold agreement.
 - Regulatory role of BDC continues with air quality concerns and fly tipping dealt with through normal means

This view was shared with people in the community that continued to raise concerns. Email evidence 9, sent to people on the 25th of November sharing the advice from Phil Courtier.

This view was shared with a meeting on the 23rd March organised by the Broadland Tree warden association.

3.10 Always treating people with respect....

" when interacting with staff, volunteers and contractors of Bure Valley Railway, Councillor Lawrence conducted herself in an intimidating and confrontational manner,"

- Cllr Karen Lawrence and Dr Karen Lawrence treated staff and volunteers with the utmost respect and failed to provide any evidence to demonstrate otherwise.
- Embellishment: JCB driver was sitting in a closed cab on top of a large engine running, 300 meters away – not possible to have heard the things he claimed.
- Treat volunteers very respectfully, as a Buxton resident I asked one questions of one person on three separate occasions in a very polite manner – the report failed to provide any evidence to demonstrate otherwise
- Provided new evidence (Mr Buck's testimony) that cllr Lawrence was respectful and professional when dealing with BVR contractors and that she was the recipient of what might be perceived as intimidating and confrontational behaviour on the 22nd November.

3.11. Providing leadership....

“Cllr Lawrence clearly champions the views of herself and some members of the community who do not share the beliefs of the Bure Valley Railway as to how the land should be managed”

I have demonstrated on numerous occasions that this is not the case and that I have provided leadership – this is something that needs to be asked of the community:

- Explored what vegetation management guidance was available from Network rail,
- After the 20th November I contacted ORR to get a railway perspective and explored what the regulatory body gave in terms of guidance for heritage railways
- Voted to support the BVR in numerous occasions in council meetings, ensuring that they have sufficient budget allocated to ensure the bridges are maintained – public record
- Presented BVR concerns regarding financial support to Mr Courtier as the first item on the meeting agenda on the 24th November.
- Email of NWT staff regarding their official position shows that many residents were concerned and had written to both the Tree Warden Network and NWT asking for their advise.
- Email of 22nd November, Email in January to a resident, Meeting of the 23rd March. – all of which show that cllr Karen Lawrence clarifies the right of BVR to manage the area of vegetation covered under its 125 yr lease and took the advice of officers which was clear and logically presented by Mr Phil Courtier and took on board the policies of the BDC regarding planting the right tree in the right place, which I have advocated.
- Mr Phil Courtier sent me an email thanking me as BDC felt supported by my responses. (new evidence)

With specific concern of facts per paragraph as presented in the report:

Page 1: Para 7: Witness to the exchange with Stuart Clark, Ben Goose and Matthew Howard has been located and a statement is submitted with this response. Witness was a resident going for a walk that walked past Stuart Clarke and Cllr Karen Lawrence during the exchange in question.

Page 2: Para 3: misleading sentence – it has been established that Karen Lawrence used her title once, and only on one occasion, on one day.

Incorrect fact: it has not been established that cllr Karen Lawrence talked about the lease. This is contested, by Cllr Lawrence. She agrees that she did talk about budgets to assure Stuart Clark that there was now a budget agreed by council to ensure there would be regular maintenance of the BVR assets. This information is available to the public.

Page 3: Para 1: No definition of the term worksite, misleading use of the term.

The term worksite is used to describe where the BVR staff and volunteers were carrying out their work. However it is not defined. Worksite is the area of land covered by the 125 year lease, known as trackside. **CLARIFICATION: The BVR footpath is NOT the place of work for the BVR staff or its volunteers.**

Page 3: para 2: ERRONEOUS fact and Fabricated claim

Report states that [Cllr Lawrence] “She had been informed by residents that someone was burning vegetation along the footpath on the 19th November and she took a bike ride there the following day” – There is no evidence of burning being reported on the 19th of November, no email submitted. In fact no burning had taken place on that day, no one made a claim to this. This fact has been fabricated. This was not the reason for taking the bike ride the following day. There had been no reports of burning vegetation along the footpath towards Hautbois hall - this is a fabrication, there is no evidence to support this claim.

Page 3: para 4: on the 22nd: Contested Fact, Incorrect reference to Pesticides.

ERRONEOUS Fact. OMISSION of evidence. New evidence

- **“Allegedly shouted at him”** [Ben Goose] – at this point it is not established whether this is the case, also not explained how Mr Ben Goose heard shouting if he is sitting in an enclosed Cab of a JCB with the engine running and talking on his phone.
- **“Using Pesticides”** – I never used the term pesticide, I only talked about Glysophate, or round up as it is better known. Residents refer to it as a weed killer. BVR does not use pesticides and is not reported to use them by any resident either. They spray Glysophate from the back of the maintenance train. The concern raised by residents was that its use was excessive and extensive (full 9 miles either side of the track and going onto the embankment at times). I raised the concern that it was being sprayed without proper health and safety consideration; for the volunteer that sprays, but also for the parishes and residents that are not informed of its use. The spray was deployed on vegetation behind the school. I was suggesting that they might like to consider informing people when they spray.
- **Erroneous fact:** admission to being at the site: This is incorrect. Cllr Karen Lawrence, Stuart Clarke and Matthew Howard were all standing on the public footpath a

significant distance away from where Mr Ben Goose was working in his JCB. No one was located on the BVR track, the work site for the BVR staff and volunteers. The JCB was felling vegetation located on the BVR worksite embankment, but itself was located in a field at the side of the BVR worksite.

- **Omission of evidence:** The report fails to point out that there was no notification of the works, and no signage indicating official work was taking place. The report fails to clarify that one of the workmen had a named jacket on for contractor May Guerny, consequently they could not be identified as BVR workers unless asked. The report fails to state that they were not at their place of work but on the public footpath.
- The report fails to refer to the email sent to the community that summaries the conversation cllr Karen Lawrence had with Stuart Clarke and was sent to several residents on the 22nd November, sharing with them the BVR perspective on safety concerns with the vegetation. This demonstrates that Cllr. Lawrence listened to BVR staff and presented their case in a fair and balanced way.
- **New evidence:** A resident has come forward that walked along the footpath from Buxton towards Hautbois Hall, and past the exchange between Stuart Clarke, and Cllr Karen Lawrence, with Matthew Howard present but not engaged. A statement has been submitted, it corroborates the version of events described by Cllr Karen Lawrence where she was in conversation with Mr Stuart Clark, did not shout at him and did not behave in an intimidating manner.

Page 3: para 5: On the 22nd: Error in title. OMISSION of key facts

- **Error in Title of Person:** "Cllr. Lawrence says that she saw" The title Dr Lawrence should be used here, as Dr. Lawrence, a resident of Buxton was going for a walk along the public footpath – The sentence used in the report is deliberately misleading as it implies that Karen Lawrence was acting as her capacity as a councillor, in fact this is not the case. She did not introduce herself as a councillor, the volunteer did not recognise her as such.
- **Omission of key facts:** On the 22nd of November, Dr Karen Lawrence **walked in the opposite direction of the first exchange**. Dr Karen Lawrence was walking **on the public footpath**, as a private citizen going to visit her brothers grave when she observed that trees located on the footpath had been cut and branches removed, and that a number of trees and hawthorn hedgerows were chopped and left laying on the ground (see the photo). She came across a volunteer standing trackside and asked if BVR had access to an ecologist or arborist on their staff. She thanked them and continued on her walk.

Page 3: para 6: On the 23rd: Error in title. OMISSION of key facts

- **Error in Title of Person:** "Cllr. Lawrence went for a walk" The title Dr Lawrence should be used here, as Dr. Lawrence, a resident of Buxton was went for a walk **along the public footpath** – The sentence used in the report is deliberately misleading as it implies that Karen Lawrence was acting as her capacity as a councillor, in fact this is not the case. She did not introduce herself as a councillor, the volunteer did not recognise her as such.
- **Omission of key facts:** omitted to mention that other walkers were walking through the thick black smoke lit by BVR volunteers. Also omitted to mention that there were no notices to the public warning them about the works being undertaken by the BVR volunteers. Failed to state that BVR volunteers were chipping the wood that was flying across the public footpath onto the embankment that was no the place of work of the

BVR. A billy can of gasoline had also been observed, where fires were being set by BVR volunteers. For this reason “she thought there was a health and safety violation”.

Page 3: para 7: On the 24th: **Error in title.**

- **Error in Title of Person:** “Cllr. Lawrence approached a volunteer” The title Dr Lawrence should be used here, as Dr. Lawrence, a resident of Buxton was went for a walk *along the public footpath* from Brampton to Buxton – The sentence used in the report is deliberately misleading as it implies that Karen Lawrence was acting as her capacity as a councillor, in fact this is not the case. She did not introduce herself as a councillor, Stuart Clark did recognise her but did not refer to her as such, therefore she was acting in her capacity as a private individual.

FINDING OF FACTS -1

Page 3: para 8: Finding of fact -1: Error in fact, Claim not substantiated with Evidence

- **Error in Fact:** “*did make several uninvited visits to work sites*”: At no point did Karen Lawrence (either in her capacity as a councillor or as a private citizen) did she visit the track, which is the “**worksite**” of the BVR. She was always on the **public footpath**. It was not established that she knew where the BVR volunteers would be working. In fact the incident where she introduced herself as Cllr Karen Lawrence, this was in the opposite direction from all other dates where exchanges took place.
- “*challenged the necessity of the work being undertaken*”: The report fails to substantiate this claim, for each of the 4 events in question. In three of the exchange events, Karen Lawrence ,a private citizen asked one question of clarification of one person working as a BVR volunteer. At no point in those three times did Karen Lawrence question the necessity of the work being undertaken. Question were made to clarify the conditions under which volunteers were being asked to work and the activities they were being tasked to do. On the 20th it was not established that the necessity of the work being undertaken was questioned, again questions were asked to understand the work being undertaken from the BVR perspective and this was demonstrated by an email sent on the 22nd to concerned residents that summarised the conversation with Stuart Clark as points of safety that the BVR need to consider in their decisions about vegetation management. This information could only have been written if cllr Lawrence had asked and listened to them – this information is not available from any other source.
- “*Cllr Lawrence accepts this was the case*” Does not accept this was the case as she asked only one question of each of the three events following the 20th as explained in the paragraph above. As a private person she asked very different question on the three other ocations. She accepts that only one occasion did she ask one of two men working on the public footpath what they were doing and why they were doing it.

COMPLAINT SECTION 2

Page 4: Complaint section 2.

Page 4: para 2: **Error in Fact,**

Error in Fact: “...who had not, according to Cllr Lawrence, engaged with her” no this is incorrect, the officer did engage on other issues, but did not get back to me on the lease or on anything related to BVR after several weeks. I also stated that residents had also raised similar concerns, that she had not got back to them on issues and their questions related to BVR.

Page 4: para 3: **Error in Fact.**

“given her telephone number to Stuart Clark, so that he could call her” the landline number was given for Mr David Lowe to arrange to meet and discuss how we could work together. As Mr Lowe was the manager and I had no means of contacting him nor him contacting cllr Lawrence.

Page 4: para 4: **Clarification of fact**

Mr Stuart Clark had provided such rich information on why they were managing vegetation in the way that they were (see Evidence 8, reproduced here as the email of 22nd November), there was no need to ask more questions of Mr Lowe on that topic. Cllr Lawrence later reached out to David Lowe in terms of drainage concerns, and also talked face to face with Mr Stuart Clark on site to clarify who had the responsibility for the drain at the base of the railway embankment leading off mill st Bridge. Mr Lowe declined to reply but communicated via BDC. The complaint was submitted the week after the exchange.

Page 4: para 5: **Misleading fact:**

Agreed that Officers from Broadland District Council all had contact with cllr Lawrence regarding other matters, but key advise on the BVR status was not shared with cllr Lawrence until the 24th of November, when she went over an officers head to talk with Phil Courtier. Agreed that Phil Courtier and cllr Lawrence tried to have a conversation a few days earlier but kept missing each other.

Page 4: para 7: **Dis-agree:** Because cllr Lawrence knew there was a legally defined relationship, she was prudently waiting until officers got back to her before engaging with BVR directly. The meeting with Stuart Clark was accidental, unplanned and unsolicited. It was clear stuart clark was upset, so initially I just tried to find out why he was cross, as the email of the 22nd of November I refer to reporting how cross he was at BDC and that they had neglected the railway infrastructure. Most of the conversation was him complaining about BDC and the promises they made and had failed to keep – bridges, fences, financial support with COVID. After all of that I asked him to help me understand their reasons for why they needed to manage vegetation. Also whether they could inform Parish Councils or put up signs to let the public know when they had used glyphosate (round up) spray to kill weeds. I did share the information about how the man on the train that just sprays glyphosate from the back of the train was spraying up the bank, and how this might be dangerous, especially when spraying through villages and at the back of the primary school. I explored with him the possibility of putting up signs for the public to warn them, if they had pets (H&E 1974, SEciton 3.3) because it could be harmful (Glysophate info sheet can be provided).

Page 4: para 8: **Disagree:** She did not get any advise on the BVR relationship, except to confirm that there was no contract with them to do work on vegetation management on the footpath or anywhere else on BDC land. Clear advise regarding BVR, not only the lease but also in terms of the BDC regulatory function was still valid. I asked if there were concerns about smoke or fly tipping of waste vegetation how should this be dealt with. I was informed by the Director of place, Phil Coutier that this normal council function continues and that there were online forms people could use. Someone in environmental protection would then engage. But that the conditions of the lease meant that in influence over vegetation management could be obtained by BDC on BVR, subject to the normal UK laws still applying.

Page 4: para 9: Disagree: that “cllr. Lawrence pursued Bure Valley Railway” . Cllr did not pursue BVR at all. One exchange where as a councillor she sort to understand their perspective. It was accidental. At no point did cllr lawarence say that officers did not do enough and should do their job better as implied by this paragraph.

Finding of fact – 2

“I take the view that Councillor Lawrence failed to contact the management of the Bure Valley Railway to express her concerns about the work being undertaken through formal channels”
This contradicts the logic established in the paragraphs above:

It was established that Cllr Lawrence was correct in waiting for advice from the officers before approaching BVR management through formal channels because there was a legal relationship involved. Advice came on the 24th November

Because BDC staff then clarified that there was a lease agreement between BDC and BVR that effectively created a landlord, rentee relationship there was no questions left to ask BVR as they had the right, established through the lease, to manage the vegetation in the manner they felt fit, unless they were in breach of other UK laws and regulations.

The complaint was submitted after the advice was given by the officers on the 24th. I followed advice given by officers in communication with community and their advice made it clear that there was no basis to write to BVR to ask about changing their practices on vegetation management. They were within their lease agreement to manage the vegetation as they see fit. Residents needed to contact BVR directly about their concerns.

Cllr Lawrence did leave her telephone number with Mr Stuart Clarke to give to Mr David Lowe in order that they might discuss more what could be done together.

Cllr Lawrence did approach Mr David Lowe later on a matter to do with drainage maintenance, but was never given a reply by him, but BDC officers replied instead.

Page 5: Complaint section – 3

Page 5: para 2: **Disagree.** I did not raise my voice or shout. Witness statement of Mr Buck corroborate this. Also I have been trained in civic mediation and have over 20 years dealing with post conflict situations.

Page 5: para 3: **Disagree:** I did not throw my bike down, and I did not say that at all. Mr Ben Goose was sitting in an enclosed cab with the engine of a JCB running situated the other side of the railway line on the side of the watermeadow. I agree I did allow my bicycle to drop on the footpath. I agree I did take photos of the JCB registration number to be able to check with the police if necessary. I agree I did raise my hands and wave them Once or twice and I did shout stop. I thought the JCB was doing damage to the embankment. There was no notice to the public to warn of any works being carried out. The JCB was some distance from the two men working near fosdyke farm along the public footpath.

Page 5: para 6: **I do agree** we were there for about an hour and a half. I got very cold, I was shivering and my teeth were chattering. I disagree that I was not screaming and I was not irrational. There would be no reason to be so as they were on the public foot path and I did not

know if they were connected to the JCB or not and I did not know they worked for BVR, I thought they worked for May Guerney because that was the only name on the work jacket. Otherwise there were no notices.

With my bicycle in hand I did asked sternly what they were doing there and who they were working with. I may have seemed to be asking challenging questions initially and I did take a photo, but the men turned their back and then I realised they were angry so I needed to listen to them, which I did. Witnessed by a walker, which verifies my version, where I was calmly listening

I did listen to Mr Clark as the email on the 22nd of November and the notes of the meeting provide insights that could only have been obtained if I had actively listened to Mr Clarke.

Finding of fact – 3

New evidence suggests that Mr Clarkes version of events is not correct.

Mr Goose was too far away and enclosed in a cab on top of a JCB engine and could not have heard anything nor seen anything as he had resumed work.

Evidence submitted of email sent 22nd Nov and included notes of the meeting, these showed that Mr Clarke was able to strongly put his point of view across on several occasions as the information that was summarised about vegetation maintenance for safety, is extensive.

Page 6: Complaint – 4

Page 6: para 3: **Erroneous evidence** – Strongly disagree

I never said that “she said *She did take one photo showing a work’s face but deleted it when Mr Clark told her that she should not take photos of Bure Valley Railway workers*” – This is completely made up fact and demonstrates the reports confirmation bias.

Finding of Fact – 4

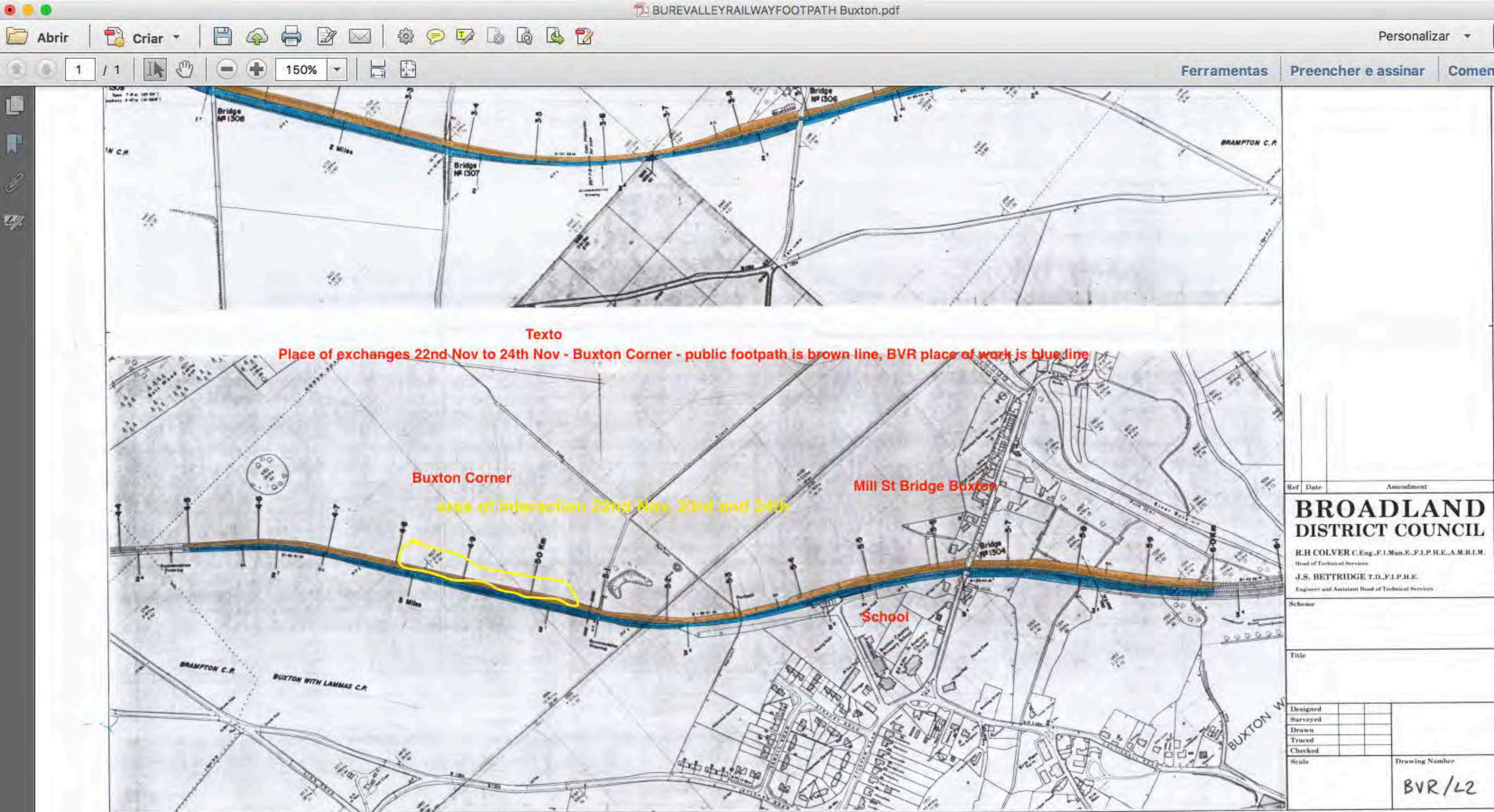
Agreed there was never any photos of staff taken that showed their faces. Agreed I did not take photos of staff once asked not to do so, only of their work carried out and the equipment used.

Comments on the report quality

- In general the report, although considered light touch it does not reference evidence at all, it uses selected evidence that fits its narrative, omits evidence that is inconvenient to its narrative and still contains a number of factual errors. I find its selective presentation of facts as highly misleading. It is my opinion that basic research mistakes were made in this report.

129

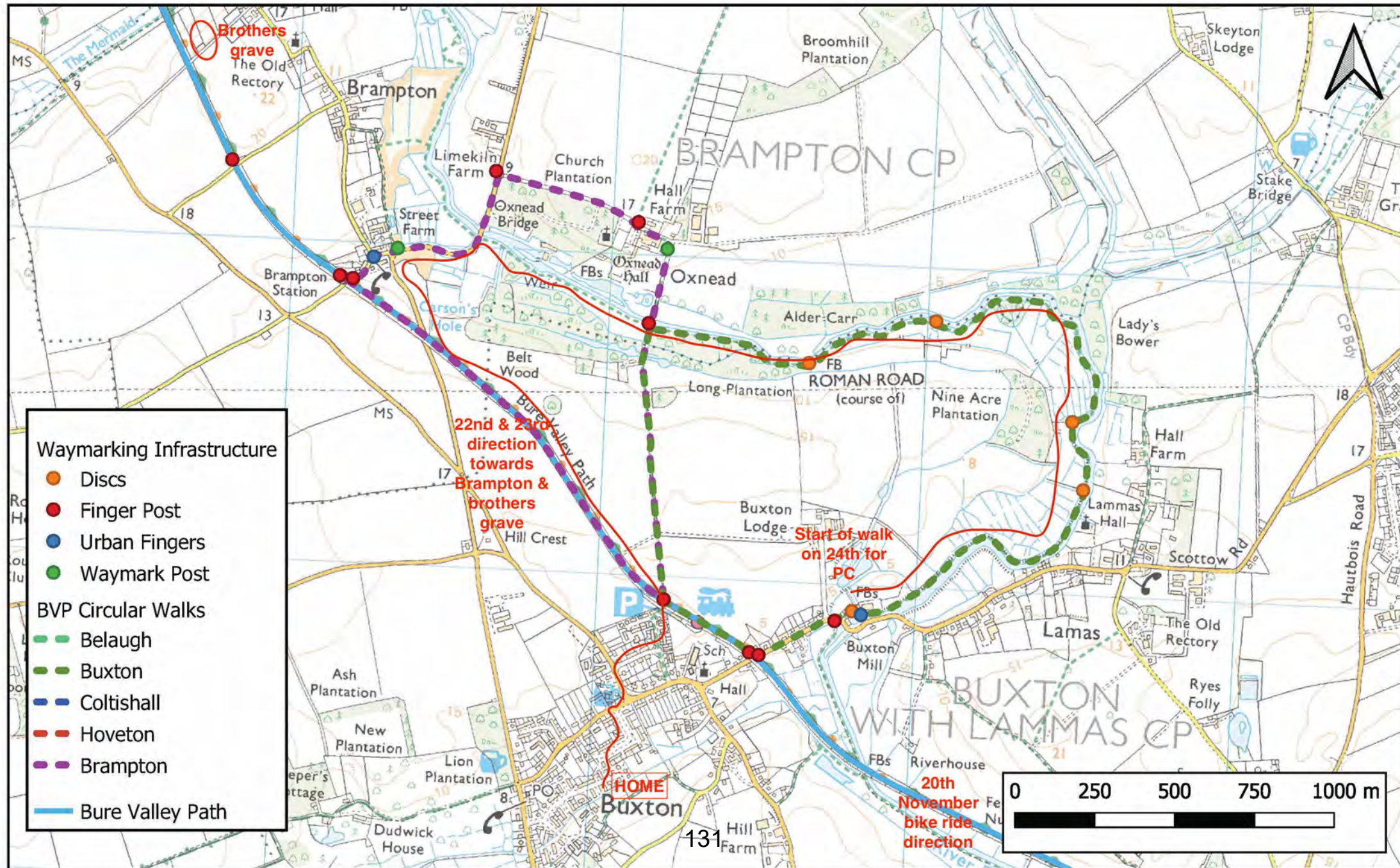
Designed			
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Traced			
Checked			



Bure Valley Path Circular Walks

Brampton and Buxton

Sites of the 4 exchanges w BVR along public foot path; Grave location and circular walk conducted on the 24th



Karen Lawrence <~~Karen.Lawrence@broadland.gov.uk~~>

Fwd: Thanks

1 mensaje

Cllr Karen Lawrence <cllr.Karen.Lawrence@southnorfolkandbroadland.gov.uk>

26 de junio de 2021, 17:14

Para: [REDACTED]

Cllr Karen Lawrence
Member for Buxton ward
Broadland District Council

Please note my email address has changed. This change is part of the collaboration work with Broadland District Council and South Norfolk

From: Phil Courtier <~~phil.courtier@southnorfolk.gov.uk~~>**Sent:** Saturday, April 3, 2021 12:02:30 PM**To:** Cllr Karen Lawrence <Cllr.Karen.Lawrence@broadland.gov.uk>**Subject:** Thanks

Karen

I was updated by the officers who attended the BVR mtg with the tree wardens and other. They advised me that you defended officers and the position they found themselves in and so I just wanted to acknowledge your actions say thank you. I know that they were appreciative of your words.

Have a good Easter

Phil

Phil Courtier**Director of Place**t 07879 486982 e phil.courtier@broadland.gov.uk

The logo consists of a purple rectangle with a white diagonal line running from the bottom-left corner to the top-right corner. The text "Two Councils" is written in white, sans-serif font above the diagonal line, and "One Team" is written in white, sans-serif font below the diagonal line.

Two Councils
One Team

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Sworn Statement of John Buck, Gt Hautbois, on 15th June 2021

Date of the event in question: 20th November 2020

I was walking from Buxton to Coltishall and as I came over the iron bridge I saw people in the distance on the footpath. As I got closer I saw the JCB on river side, he was destroying everything. He was in the field but had his arm over cutting the inside of the railway line. I took a photo of it. Not until I got past him could I hear what people were saying further along the path. The JCB shut his engine off and just sat there for a while just looking at the three people in talking.

I walked another 100 meters past him and then I could hear a man shouting and waiving his arms. I saw a lady standing there with her left hand on the handle bar and her right hand on the seat with the bike between her and the man standing shouting at her, waiving his arms up and down the railway line. As I walked past he was shouting and the lady was talking very quietly. The other man was sitting on the side of the trolley, he didn't say anything he just sat there.

I continued past them, I could still hear the man shouting at the lady right up past the field crossing. When I looked back he was still shouting and waving his finger in her face. I saw the piles of cut backs ready to be burnt along the railway getting towards hautbois hall.

Later on I learnt that was cllr karen Lawrence and stuart clark.

I am very sorry I cannot come to the meeting.

I declare that, to the best of my knowledge and belief, the information herein is true and complete.

John Buck

Date

15 June 2021

Karen Lawrence <~~karen.lawrence@gmail.com~~>

NWT position statement on BVR

1 mensaje

Helen [REDACTED]@norfolkwildlifetrust.org.uk>

26 de marzo de 2021, 13:37

[REDACTED] r

Dear all,

I thought it would be worth clarifying Norfolk Wildlife Trust's position with regard to the railway. If we are contacted by the press, we will give a statement to the same effect.

Firstly, Norfolk Wildlife Trust's role is to provide advice on the best management of land for wildlife. We do not have any power to control work on land we do not own, but are willing to provide expert advice to land managers who are keen to do the best for wildlife on their land.

Secondly, NWT has had one meeting with Bure Valley Railway, at which Broadland District Council and Norfolk County Council staff were also present. We raised a number of concerns passed on to us by local residents and made recommendations on the management of the land along the rail track.

We have not agreed to answer public enquiries regarding works on the railway and any such queries will need to be directed to the Railway company directly.

Finally, looking to the future, our preference is for a management plan that covers all proposed works along both the rail track and the

footpath areas. This plan must be based on comprehensive ecological surveys and include adequate mitigation for habitat lost to any works needed for rail safety.

I will be sending this email to the BVR in a moment and hope it helps with clarifying our position.

Kind regards to all,

Helen

Helen Baczkowska
Conservation Officer

Office: 01603 625540

Web: www.norfolkwildlifetrust.org.uk



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Think green – please don't print this email unless you really need to!

[REDACTED]

[REDACTED] X

X [REDACTED]

[REDACTED] X

[REDACTED] XXX

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

X



John Fleetwood
Broadland Tree Warden Network Co-ordinator
[REDACTED] Norwich NR13 5AQ
Tel: [REDACTED]
Mobile: [REDACTED]
E-mail: [REDACTED] x



Notes on a Meeting Held on 23.03.2021.pdf
104K

Notes on a Microsoft Teams Meeting Re: Bure Valley Railway Held on 23 March 2021

Chair: [REDACTED] (JF) – Network Co-ordinator, Broadland Tree Warden Network (BTWN)

Attendees: [REDACTED]
Jo Copplestone (JC), Broadland District Council (BDC) Member for Coltishall
[REDACTED]
Karen Lawrence (KL), BDC Member for Buxton
James Matthews (JM), Chairman, Coltishall Parish Council
[REDACTED]
Jackie Warren (JW), Buxton with Lamas Parish Council
Cllr Fran Whymark (FW), BDC Member and Norfolk County Council (NCC) Member for Wroxham
[REDACTED]
[REDACTED] (TA), Head of Economic Development Department at BDC
Helen Baczkowska (HB), Norfolk Wildlife Trust (NWT)
[REDACTED]
Debra Dailie-Murden (DB), Programme Manager, Economic Growth at BDC
[REDACTED]
Matthew Hayward (MH) Lead Project Officer for the Cycling and Walking Team at NCC
[REDACTED]

[REDACTED]

JF introduced himself and welcomed everyone to the meeting, informing them that the meeting was being recorded. He asked all in attendance to appreciate that as BTWN was hosting the meeting and the Network is registered with The Tree Council, he has the reputation of both to protect. He asked attendees to mute their devices in order to avoid extraneous noise and to click the raised hand button to indicate when they wish to speak. He will then indicate when they can speak and they should then remember to unmute their microphone. Speakers were asked to be brief and to the point. JF could see no reason or excuse for the meeting not being conducted in a courteous manner at all times. In particular, DB has only been responsible for BVR matters on behalf of BDC for a matter of weeks and could not be expected to have all the answers and information that attendees may request.

JF then stated that the aim of the meeting was to agree a way forward to achieve the ultimate goal of stopping the BVR destroying valuable habitats whilst understanding that track maintenance is essential and safety paramount. He believes that can only be achieved by agreement and not by confrontation and said that "no lasting agreement has ever been achieved as a result of confrontation." In his opinion, the only way forward is for those parish councils affected to agree a course of action and, together with BDC Members, ensure that BDC finds a suitable way to control the actions of BVR.

JF then invited attendees to introduce themselves which they did in turn.

HB updated attendees on a meeting she had attended that day with NH and representatives from BVR. She raised concerns regarding the spraying of chemicals on the banks, but little head-way was made. She hoped that BVR would work with the NCC trails team to develop a Management Plan that encompasses as much of the area as possible on the footpath side of the dividing fence.

MH then revealed that NCC is carrying out a full tree assessment and ecological survey to be led by a senior arboricultural officer in order to provide a base-line for future management.

HB then continued that discussion during the meeting also covered possible restoration of bank vegetation.

HB reported that BVR claimed to be required by Network Rail to clear bank vegetation and she requested a copy of what BVR has to do to comply with Network Rail's Safety Standard but Andrew Barnes (AB), Managing Director of BVR does not wish that documentation to be made public. She therefore contacted Network Rail's Eastern Region Ecological Survey Team. It appears that the document did not emanate from Network Rail because Network Rail does not have a contract with BVR. The document only applies to track bed owned by, or running trains owned by, Network Rail. The order to comply with safety standards actually came from the Office of Road and Rail (ORR) but the ecologist would expect all of Network Rail's safety standards to apply to BVR.

The ecologist further stated that everything Network Rail does must comply with the Wildlife and Countryside and Habitats and Species legislation. He further felt that a bat survey should have been carried out. Any alleged offences should be reported to the British Transport Police.

MF asked HB if BVR is listening to NWT. HB responded that NWT's position is only advisory.

MF asked MH when he expected the initial tree survey to be complete and MH replied within the next month.

KL informed the meeting that she is in possession of all relevant Network Rail guidance. She has also contacted Stephen Turner (ST), HM Principal Inspector for Railways, who supplied details of all safety legislation with which BVR must comply. The legislation with which Heritage Railways must comply is different to that with which Network Rail must comply. She has not yet found any specific vegetation guidance for Heritage Railways. ST would expect any Heritage Railway to prepare its own Management Plan for vegetation management.

JM informed the meeting that he had checked relative legislation on Wikipedia and believes that BDC should establish what regulations must be applied to the track. He believes that BVR is exempt and only Health and Safety legislation can be applied.

MF stated that many trees have been felled simply to give a clear view from the train.

JF made an observation. There are a number of documents being prepared, or that have yet to be prepared, but if one of BTWN's Tree Wardens was to embark on a project of any size they would be expected to have the documents agreed by all parties prior to project commencement. It was of great concern to him that surveys and Management Plans are not yet in place.

HB responded to JM's point regarding relevant legislation by stating that BVR has to have a valid licence to operate and that licence is granted by ORR. In order to obtain that licence BVR must comply with a number of safety standards. They simply say that they are complying with Network Rail's standards. There is a huge loophole that is allowing BVR to proceed as it is. Reluctantly, HB believes that, legally, it is impossible to challenge what BVR is doing.

JM responded that he does "not believe that we need to challenge what they are doing. We don't have to rent it to them if we don't want to. They don't own it so no legal challenge is necessary".

KL stated that BVR has a 125-year lease and has certain rights as a lessee. A more positive approach is how do we encourage BVR to behave better in the future? Broadland is lucky to have the asset of BVR.

JF commented that, in his opinion, KL is the first person to suggest what the meeting should really be looking at. The meeting has established that we don't have a very high regard for BVR's actions to date. The reason BTWN became involved was simply because if the public approaches BVR they are told "We're a railway. We can do what we want". He believes that is an appalling response and the very antagonistic attitude that people have to overcome. He agrees that there is a long lease and that Broadland needs BVR. However, we also need biodiversity and precious environments and somehow we have to make BVR lose its arrogance and sit and listen. He believes that the meeting should be used to discuss that.

PC stated that he was very disappointed when told by BDC that he must remove trees he had recently planted with BDC's consent on public land because nobody had obtained consent from BVR.

MF felt that we should be looking forward not back. BVR should have an Environmental Policy and that should be placed on its website.

AC felt that while a tree survey and bat survey are *going* to be carried out, the trees and bats are currently *being* lost. He asked if we have a date for them to be completed. MH stated that the tree survey should be completed in a month.

HB wished to allay fears that BVR planned to fell *all* trees. No felling will be carried out in the trail side unless fully justified.

KL would like to see consultation with parish councils when producing plans.

JF stated that communication is a major problem.

JC stated that BDC is considering introducing a community forum to include BDC, BVR, NCC and parish councils and he would suggest it should also include HB and the Tree Wardens. Regular meetings and an audit trail will be necessary.

TA stated that when replacing the fence NCC, BVR and the contractors will establish which set of regulations BVR should work to. A quality dialogue will be established.

TA assured LP that the contract to replace the fence adjacent to her property will be put out to public tender.

HB pointed out that successional scrub is most important for wildlife. BDC should obtain advance details of what BVR plans.

HB reported that several people have expressed concern that spraying of the track with glyphosate had been carried out from a moving vehicle without warning and people could easily walk into the spray drift. Spraying of the bank had been carried out with Grazon and NWT recommended a brushwood killer instead. BVR should avoid creating bare soil.

HB recommended that areas of meadow saxifrage could be marked out by local residents to avoid them being sprayed but BVR refused.

HB recommended that woodchip is not spread over areas but instead retained in heaps.

KL said that BVR has chipped wood from their side for the fence and "dumped" it on the public land. In addition, residents would appreciate the cessation of burning green "waste" as the acrid smoke is extremely offensive.

KL further said that residents dispute BVR claims that rabbits are undermining the bank from Mill Street Bridge to the Bure River Iron Bridge. Following the removal of all vegetation it was clear that there was no evidence of rabbits.

JM was very unhappy that destruction continued while we talked about what should be done. He claimed it was environmental vandalism and he was very uncomfortable with just talking. JF replied that everybody shared his views but environmental laws are far from open and shut and he could not see what stick could be waved at BVR to stop them. From comments made to residents, BVR believes it is above the law. The only way forward is to get BVR to compromise. Negotiation is essential.

MF said that we have a railway that listens to nobody and he suggested that the meeting is wound up, a summary made of what has and what is going to happen, then in two weeks have a follow-up meeting to see what has happened and plan the next steps.

AC said that valuable trees, especially hawthorn, will be lost during fence replacement unless farmers and landowners allow contractors to step on their land in order to carry out the work. She has offered to produce, through her local knowledge, an adapted map showing exactly who the landowners are and to provide contact details in order to facilitate getting such permission where necessary in order to save the trees.

JF gave a personal summary of comments made during the meeting. He said that there is a limit to how much BDC can do, whether people like it or not. So continuing on that theme will not be constructive. Maybe some mistakes were made when the lease was drawn up but it is what it is and we must accept that. So nothing will be gained by going head-to-head with the local authorities. We must work with them. The ones we are in dispute with are the BVR people, but that doesn't have to mean conflict. Unless we can educate them that there is a benefit in carrying out proper management we will get nowhere. There is a willingness from NCC, BDC and NWT to open a meaningful dialogue with BVR so that when someone questions its practices, they appreciate that we wish to work with them. He then said that from what he had heard during the meeting from NCC, BDN, NWT, parish councils and concerned residents (ie people who really care) they had displayed a willingness and determination to find a solution via a meaningful dialogue.

Commenting on the earlier suggestion that another meeting is held in two weeks, JF said that he didn't consider that long enough for the local authorities and NWT to open and establish a meaningful dialogue. He therefore suggested that the meeting asks the local authorities and NWT to involve and consult representatives of local residents and we all suppress the emotions and stick to the facts. Maybe then a meeting can be arranged, but until then BVR will not listen.

JF's closing comment was that doesn't care about BDC or BVR or even the local residents, but he does care passionately about his environment and ecology and he cannot abide the use of glyphosate or other such chemicals. However, we cannot defeat BVR by hitting them head on. Finally he asked "will somebody care to tell me that I'm wrong?"

HB agreed with JF saying that some kind of stakeholder group, community consultation group, forum or whatever you choose to call it, with BVR we can achieve a successful outcome for the wildlife. She said that it will be important to include representatives from local residents together with footpath users in such a group.

JC agreed with JF on the way forward

KL also agreed with JF on the way forward adding that it would be good to explore stewardship opportunities. We need to seize the opportunity to move forward like this.

JM asked BDC to keep the group informed of developments and suggested another meeting in four to five weeks.

JF responded by saying that until the plan is in place, he could see no point in another meeting, other than to simply go over what we have already discussed. He suggested that the group puts some trust in BDC and when they have something for it to discuss we shall hold the next meeting.

MF suggested having another meeting in two weeks when JC could report on developments, but JF felt that it would be fairer to JC to do that by e-mail when she has something to report and JC and MF agreed. TA then said that he would send an e-mail in two weeks one way or another.

JF said that BDC is very busy and has an enormous task bringing BVR to the table ... one he doesn't envy! With that he thanked everyone for their input and closed the meeting.

[REDACTED]

Para: [REDACTED] X
< [REDACTED] X

4. Clearances to see signals

- In terms of on banks or sidings; in these cases grass or wildflowers are the preferred vegetation cover as they allow clear views of the situation in-front.
- 1.5 metre clearance from the centre of the track is the not vegetation zone to enable safe evacuation from the trains by foot without danger of falls or trips
- In case of engine fires (which are a particular risk with steam engines) a distance from the track without vegetation is required to ensure that hot embers if they have to be removed, do not cause a bank fire.

Clearances for maintenance of fixed assets, track and sleepers, bed rock, signals

- Leaf litter – dry litter can be blown away naturally, easily and quickly.
 - Where there is insufficient air movement, or light, fallen leaves rot, this may result in a degradation of the wooden sleepers, and the leaf mulch if by the metal rails can lead to deterioration of the metal surface.
 - Wet leaf litter, although pushed away by block breaks can still get between the point of contacts and cause wheel slippage.
- Light and air on the track – wet dark conditions can cause a lichen growth on the sleepers, which leads to a potential for fungal growth
- Fruit fall – fruit falling on the metal track will cause a deterioration in the surface metal (thus reducing the contact surface available and increasing the possibility of derailment)
 - Fruit trees (e.g. crab apples) are cut down and removed if their location means fruit can fall onto the track in autumn.
- Dangerous shrub limbs
 - Branches sticking out can catch passengers or staff and need to be removed
 - Hawthorn too close to the track for the required safety clearances needs to be removed, these are coppiced either to 1 ft or if infrequent maintenance is likely, they are taken to the ground.
- Dangerous Trees – trees are considered dangerous and require removal for the following reasons
 - Any tree that is rotten internally, suffering die back (ash) poses a threat of either dropping large limbs onto the track or the tree toppling onto the track during high winds or storm events.
 - These need to be removed to the base
 - Lower limbs or dead parts of the tree need to be removed
 - Coppicing or felling is required
 - Sucker producing species need to be removed to ensure they do not “spout” in the track bed and cause damage.

Clearances for views and access to the fence

- A secure boundary fence is a legal requirement for any operational train, whatever its scale, size, or speed.
 - This is to keep animals and people from wandering onto the track and causing either an accident to themselves or the train and passengers.
 - The majority of the boundary fence for the railway has not been replaced or maintained for at least the last 10 years and is in need of urgent repair, this is a legal requirement
 - Vegetation, shrubs and blackberry bushes need to be cleared regularly to enable access to maintain the boundary fence.
- To enhance the visitor experience a variety of open views are preferred where fields and village features can be seen.

Bank Stability

Areas where statements follow assumptions commonly held by some civil engineers and were view points taken (note civil engineers volunteer their time)

Rabbits

Rabbit damage along the banks – this is severe in some areas where there is particularly sandy soft soils and very little root mat to hinder warren creation.

- Vegetation ground cover is assumed to encourage rabbits to dig holes, therefore with the removal of undergrowth it is assumed rabbit damage will be more easily seen and will be less likely to occur.
- Trees are assumed to encourage rabbits to dig within their root system and protect them

Trees

Trees damage the banks

- Trees are assumed to cause bank failure – The roots are assumed to draw water and cause failure of the surface soil, causing landslides and creep.
- The roots are also assumed to reduce the strength of the bank structure as they grow through the earth and reduce the solid soil mass
- Tree roots harbour rabbits which also cause bank surface failure



BVR - Reasons for vegetation clearance.docx

134K

BVR, operating since 1991 under this management, has legal requirements to fulfil as part of its operational conditions. Heritage lines came under greater scrutiny in 2012 by the ORR, following a number of incidents. Key features of the site have been neglected, like the up-keep of the boundary fence, which is a legal requirement. Over the last 10 years there has been a lax approach to BDC management of the various physical assets.

Reasons for vegetation clearance from the perspective of the BVR (any operating railway)

Clearances are for safety

1. Clearances around the train
 - a. Door opening,
 - b. Heads leaning out of windows
 - c. Evacuation routes in case of emergency
 - d. Driver standing up (being able to see), head clearance
 2. Clearances to see level crossings
 - a. Sufficient distance to see what is coming and stop if necessary with safety from 15 to 20 mph speed (typical speed is 16 mph according to accident report)
 3. Clearances to see round bends, in case of animals (cows) or debris on the line that might cause an accident
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Factual research

The following points from research documents are for factual clarification on some of the assumptions and points raised in the conversation.

The tensile strength and capacity of tree roots – point of disagreement

- All trees are not the same and the tree crown shape, fruit form, root characteristic as well as water requirements all need to be considered as some trees are better at providing structural re-enforcement than others.
- Tap roots of certain species of tree provide an anchor that can strengthen bank slope
- Not all species are suitable, but those that can be carefully chosen, that have a deep and complex root system, can provide a barrier for rabbits and other small mammals.

Bank Stability

Slope stabilisation – soil erosion prevention

- Slope failures are often a result of weather events, poor soil structures, poor drainage and/or land use.
- Degrees of instability; deep or catastrophic landslide, superficial landslide, gullies, tunnel or pipe, slippage, creep, rill, slumping, scalding - top soil removal.
- The two most common types of slope failures are rotational failures and creep failures. Creep failures are more common in sandy soils. Sandy Soil dominate along the BVR. Common causes of creep failure are freeze-thaw, overland water flow and inadequate shear strength
- 4 factors to consider; rainfall intensity, erodability (type of soil), steepness, slope length
- Soil erosion can be an issue on banks that are steep (30 degrees or more) and without sufficient vegetative covering or other surface protection techniques (i.e. gabions, spray concrete, geotextile covering)
 - Surface cover is a major factor to control erosion
 - Erosion risk is significantly reduced when there is more than 30% soil cover.
 - Tree roots help prevent landslides on steep slopes and stream bank erosion but they don't stop erosion on moderately sloping hillslopes.
 - Tree canopies need to be carefully managed so as not to cause wind throw
 - If the soil is bare under the tree canopy from over grazing, vehicles or pedestrians, soil erosion will still occur.
 - Conservation cropping practices that maintain cover on soils include minimum and zero tillage practices.
 - Surface cover is the key to erosion control in grazing lands. It prevents erosion by maintaining the soil so it can absorb rainfall.
 - Bioengineering or Eco-engineering has a very high success rate and is much more sustainable, eco-friendly and affordable than other available options.

REF: NR/L2/CIV/086 Module 13, Management of vegetation on earthworks Possible beneficial effects of vegetation on Earthworks include:

- a) canopy cover reducing rainfall infiltration into soil slopes;
- b) erosion protection;
- c) reinforcement through the mechanical effects of roots;
- d) extraction of moisture through hydrological effects; and
- e) sound and sight barrier.

REF: NR/L2/OTK/5201 Level 2 Manual Lineside Vegetation Management Manual (March 2020)

Vegetation management should encourage the establishment of desirable lineside conditions that add value not only to the lineside but also to the surrounding

environment in terms of:

- a) connecting environments;
- b) promoting and providing biodiversity;
- c) protecting areas of ecological and historical importance; and
- d) improving the resilience of the vegetation.

Ref: **NR/L2/OTK/5201/02** Issue: 3 Date: 7 September 2019 Compliance date: 7 December 2019

Where management operations are proposed the impact of such work is assessed and information is gathered regarding:

- a) environmental restrictions that prohibit or limit the extent of work;

NOTE 1: *Consult with environmental specialists to establish these locations*

- b) negative impacts on the public as a result of the vegetation removal;
- c) value provided by trees and vegetation as a visual amenity to the surrounding environment; and
- d) effects on biodiversity.

REF: **NR/L2/OTK/5100/F3077** Issue 1 02 March 2019

Tree hazard identification.

Tree hazard identification is a specialist activity with implications for safety of the railway and its neighbours. There are also legal implications surrounding the identification or mis-identification of issues.

Para:

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