

TRANSPORT AND WORKS ACT 1992

**TRANSPORT AND WORKS (INQUIRIES
PROCEDURE) RULES 2004**

**THE NETWORK RAIL
(ESSEX AND OTHERS
LEVEL CROSSING REDUCTION)
ORDER**

ANDREW KENNING

**REBUTTAL OF
PROOF OF EVIDENCE**

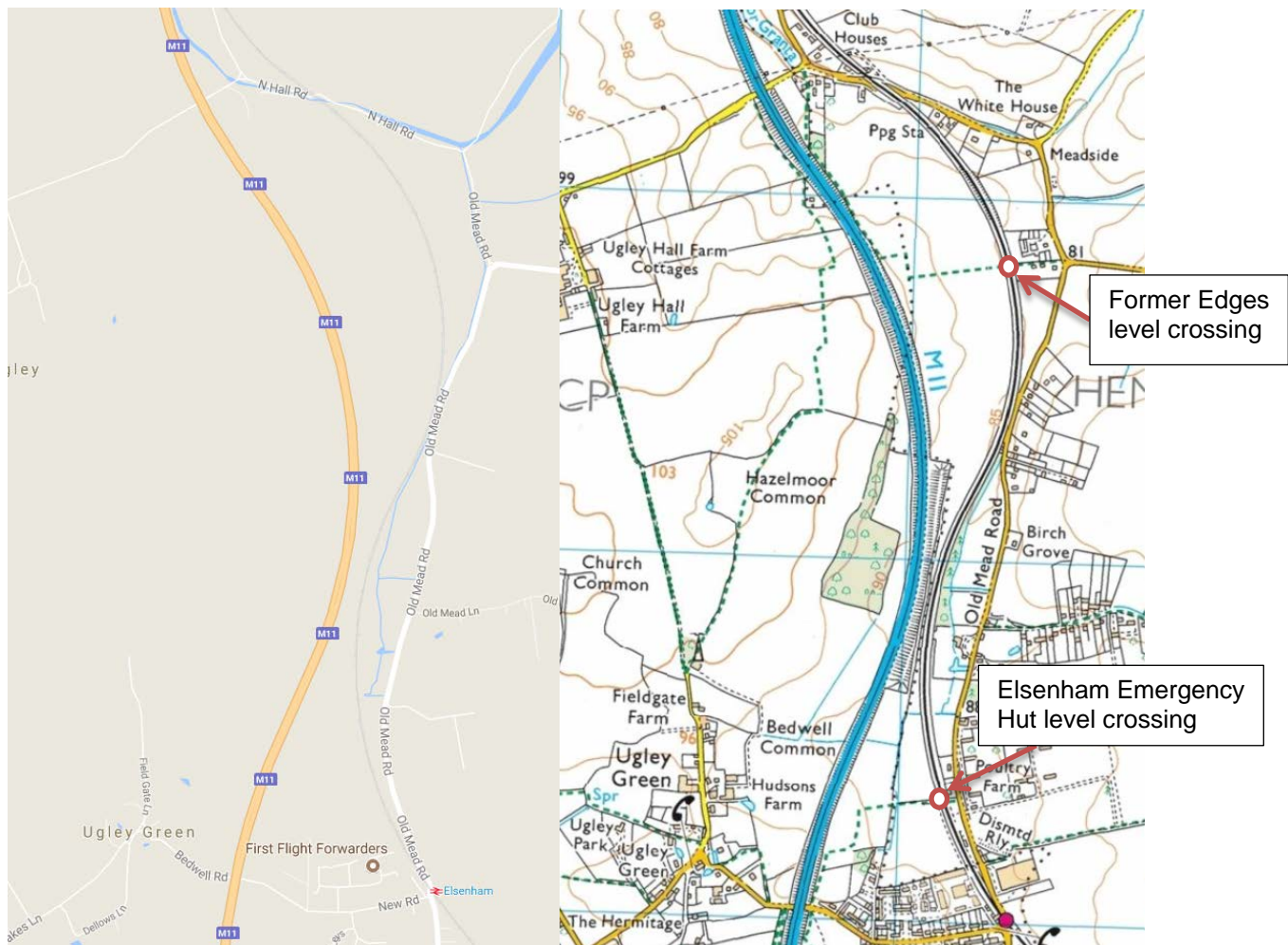
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FRANCIS PAUL BRAECKMAN

Document Reference	NR/30/4/1 (Crossings: E06 Elsenham Emergency Hut)
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I have reviewed the 'Written Proof of Evidence by Francis Paul Braeckman' submitted by Strutt & Parker in support of the objection to the Order (Obj/123). I have the following comments on the evidence as presented:

1. I note that, in section 2 of the Written Proof of Evidence, a number of questions are posed regarding the arrangements of the Public Rights of Way (PRoW) in the area and their history. The footpaths I refer to below can be seen on the OS map below, but are more clearly marked on the Design Freeze Plan for E06 at Appendix F to the Statement of Case (NR/26).
2. When the M11 was built in the 1970s, the route of footpath 13 was altered. It was realigned to run on the western side of the M11 between Bedwell Road (to the south) and an unnamed road to the north. This left a short loop on the eastern side of the M11 consisting of footpaths 37, 24, and 7.
3. At that time Footpath 7 crossed the railway at the former footpath level crossing known as Edges. It is understood that this loop was retained when the M11 was built as it provided a safe alternative walking for pedestrians along North Hall Road, as there is a double blind bend under the bridge (Tooting Bridge) where North Hall Road (shown as N Hall Road on the map) passes under the railway. (Addressing question 2.1.3 & 2.1.5 in the Written Proof of Evidence).



4. In 2014 Network Rail extinguished the public right of way (footpath) over Edges level crossing by way of application under s118A of the Highway Act 1980. At that time, Essex County Council (ECC) did not want the approach footpaths extinguished, even though as cul-de-sacs they served no clear purpose. The extinguishment meant that there was no longer an

alternative route available to walkers along North Hall Road. (Addressing question 2.1.2 in the Written Proof of Evidence).

5. Following the temporary closure of Elsenham Emergency Hut level crossing and the subsequent discussions with ECC regarding this temporary closure, it was understood that ECC were hoping to connect the remaining footpaths 37 & 24 to the south and Elsenham. However, at the time of the temporary closure Network Rail could not offer any alternative, as it did not have the statutory powers or the land owners' agreements to do so. (Addressing question 2.1.1 in the Written Proof of Evidence).
6. When the TWAO project was in early development Network Rail was therefore aware of ECC aspiration to provide this north – south link, and so it was anticipated that a simple extinguishment would not be accepted at Elsenham Emergency Hut. Network Rail therefore proposed the north south link as has now been proposed in the order.
7. Question 2.1.6 in the Written Proof of Evidence questions consultation. I discuss, generally, the consultation undertaken by Network Rail in Section 3 of my Proof of Evidence (NR30/1) and engagement with landowners is addressed by Nigel Billingsley in Section 5 of his Proof of Evidence (NR 29-1).

Witness declaration

I hereby declare as follows:

- (i) This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- (ii) I believe the facts that I have stated in this proof of evidence are true and that the opinions expressed are correct.
- (iii) I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.