

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

PUBLIC INQUIRY, 18 OCTOBER 2017

DEPARTMENT FOR TRANSPORT REFERENCE: TWA/17/APP/05

REBUTTAL PROOF BY THE ESSEX LOCAL ACCESS FORUM (ELAF) see also OBJ/142/ PROOFS

OF KATHERINE EVANS, CHAIR OF THE ESSEX LOCAL ACCESS FORUM (volunteer) OF 64  
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*It should be noted that ELAF Proof of Evidence-2 of Katherine Evans, ELAF Chair, incorrectly referred to document NR 16 Level Crossing Safety Strategy 2015 - 2040. The correct document number & name is.... NR 17 Transforming Level Crossings 2015 - 2040.*

## **1. Road Traffic and Safety data**

The vast majority of crossings proposed for closure under this TWA Order are at grade public right of way footpath crossings. In the vast majority of cases the footpaths are unsurfaced natural footpaths in the countryside away from traffic. In many cases, the proposed alternative routes would require pedestrians to walk on roads (carriageways) with no pavements or verges and using railway bridges that are narrow and also often without any pedestrian refuge space. This is of concern to ELAF as was stated in the ELAF objection letter of 10 May 2017.

Some Road Safety Audit (RSA) data and the Automatic Traffic Count (ATC) data is in proof NR32 by Susan Tilbrook of Mott MacDonald. The ATC data generally appears to have been collected in June-July 2016. However, this data was only made public after 20 September 2017 when Network Rail and other parties were required to submit their Proofs of Evidence. Why was this data not available earlier? The data would have been helpful when considering the suitability of the existing routes v. the proposed alternative.

ELAF continue to be concerned where the proposed alternative routes are dependent on:

- walking on roads, especially where there is no verge refuge.
- walking on verges with no clarity as to who will pay for increased verge maintenance.
- walking alongside busier roads, as shown by ATC data, especially where the pavements or verges are less than 2 metres wide.
- crossing busier roads at less than ideal positions / with no central refuge / no zebra crossing.

## **2. Inadequate and complex public information and timing**

The inadequacy of public information, the timing and timelines has also been objected to by ELAF in our letter of 10 May 2017. The issue of insufficient time was also in ELAF's formal advice section 94 (5) letter to Network Rail on 5 August 2016 particularly in terms of organisations that only meet monthly or less frequently (see Appendix A). No reply was received to this formal advice letter.

The non-publication of RSA and ATC data continues the trend of inadequate public information.

The Inspector's note of the pre-Inquiry meeting gave a deadline of 20 September for the submission of proofs of evidence and then a deadline of 4 October for the submission of rebuttal proofs. Whilst it is appreciated that timings are laid out to an extent in the Transport and Works Act, these are very tight deadlines for non-corporate organisations. The Proofs of evidence only actually appeared on the public inquiry website on 28 September which has made the timing even tighter.

The vast amount of documentation - the Network Rail documentation numbering is now at NR32 - also makes it extremely difficult to respond adequately. Using the Transport & Works Act to deal with the proposed closure of over 50 crossings in the Essex County Council area may be efficient for Network Rail but it does not facilitate the discussion of alternatives.

## **3. Access, surfaces, gradients and the Equality Act**

Proof NR32 by Susan Tilbrook of Mott MacDonald outlines to criteria as to when a Disability Impact Assessment (DIA) was to be carried out. Paragraph 1.6.5 states that.. "*preliminary assessment of the likely impact that closure of each level crossing could have on their surrounding communities and to determine which of the level crossings may require a full DIA*".

For many of the crossings in this order, no DIA was carried out as the initial scoping study concluded that...

*"... a DIA was not considered necessary at this crossing due to the current restricted accessibility of the existing crossing route".*

It is not clear what is mean by this and why a deemed inadequacy at the existing crossing should preclude improved equality of access on a proposed alternative route. Current restricted accessibility seems to include:

- stiles and steps at crossings.

- footpaths on either side of a crossing that are variously described as grassy, overgrown, uneven, unpaved, muddy, across open fields.

The provision of stiles rather than gates or kissing gates and steps rather than ramps is a matter that Network Rail or its predecessors could have and can address. Unless Network Rail are intending to provide generous future maintenance sums, it is likely that footpaths on the alternative routes will also have the same characteristics where they are in a country and not an urban environment.

In others cases a DIA was undertaken and concluded that...

*"... due to the availability of the alternative route in the local area to cross the railway, closure and redirection along the proposed diversion route is considered an appropriate solution".*

Again it is not clear what is mean by this and how this was concluded from a DIA.

For some alternative routes, NR32 states

*"... ensure that that the new footpaths created meet guidelines outlined in the Equalities Act 2010. Where appropriate, the new paths should have an even surface, tactile paving, dropped kerbs and wayfinding signs. The proposal states that the new paths will be 1.5m to 2m wide. This would help ensure equality of access is maintained for all users".*

Clarification as to what the Equality Act guidelines are would be helpful as in some cases alternative path widths of 1 metre are deemed to be suitable (e.g. E09 Elephant - Debden Bridge 1 metre wide footway, E35 Cranes No.1 golf course underpass width of 1.1 metres).

The ECC Development and Public Rights of Way - Advice note for developers and development management officers (see Appendix B) says on page 5:

*The required width for a new/diverted footpath is 2 metres, which is Essex County Council policy. A width of 3 metres is required for a bridleway.*

In the interests of safety, convenience and equality of access for all, ELAF would wish to see a consistent minimum width of 2 metres applied to all alternative pedestrian routes.

ELAF would also wish to see a commitment to the provision of slopes / ramps on alternative routes with gradients no steeper than 5% (1 in 20) rather than steps -see also the ECC Development and Public Rights of Way - Advice note for developers and development management officers page 6:

- *Paths should have a longitudinal gradient not steeper than 1 in 20 and cross gradient not steeper than 1 in 40. Steps should be avoided.*

Both of these features would also be in keeping with Theme E of the ECC RWIP - as included in ELAF's Proof of Evidence 1 (Sue Dobson):

- Theme E: Provide an accessible network that meets the requirements of all users – to provide a continuous network that is accessible to all, increasing public use and economic benefits to rural areas

#### **ELAF APPENDIX to Rebuttal Proof**

(A) ELAF formal section 94 (5) advice letter of 5 August 2016

(B) ECC Development and Public Rights of Way - Advice note for developers and development management officers (2010)