

OBJ/148/026 Rebuttal

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 MR PAUL EVANS OF 64 FEERING HILL, FEERING, COLCHESTER, ESSEX, CO5 9NL

INTRODUCTION

1. The Ramblers has prepared this rebuttal to address some points of dispute with the proofs of evidence which have been submitted on behalf of Network Rail (NR).
2. The Ramblers is an organisation that works through volunteers. Due to the limited time to assess NR's proofs of evidence, this rebuttal only addresses a few points of dispute and we have not sought to provide comment on every paragraph of the evidence or appendices or other information provided by NR. Any failure to comment should not be taken as meaning that we agree with the views expressed

E35 Cranes No. 1

This rebuttal references the following NR proofs of evidence: NR30 (Andrew Kenning), NR32 (Susan Tilbrook of Mott MacDonald), NR31 (Daniel Fisk)

3. Network Rail persist in describing the land surrounding E35 Cranes No.1 as predominantly agricultural - see NR32 paragraph 2.28.1:

"The surrounding area is predominantly agricultural land with some isolated areas of development."

However, the land to the west, south and south-east of the crossing actually comprises a golf course with the club house further west off Witham Road, and Cressing with its houses and bus stops. The underpass on the proposed alternative route is an underpass connecting two sections of the golf course.

Source: Essex Highways Information map - crossing & underpass circled in red.
(See also NR31 Daniel Fisk proof - aerial photograph in paragraph 34.5.)



4. Proof NR31 by Daniel Fisk for E35 Cranes No.1 states and shows that the sightlines at this crossing are sufficient in all directions (paragraphs 34.8 - 34.14) and states that there has been no reported misuse at this crossing (paragraph 34.16).
5. Referring to the golf course underpass on the proposed alternative route, Andrew Kenning in Proof NR30 states in paragraph 33.4 that:
"The underpass has restricted headroom (1.75m) and a narrow width (1.1m). This was considered acceptable as the underpass is only 10m long with clear vision through the underpass such that there should be no need for users to have to pass each other within the underpass."
6. However in proof NR32, Susan Tilbrook of Mott MacDonald states in paragraph 2.2.13 referring to an underpass / underbridge (cattle creep) east of E03 Saddlers crossing (removed from TWA0) states that:
"Essex Highways stated in meetings that a headroom of 2.3 metres would normally be required although this can be reduced to 2.1 metres for existing structures whilst being compliant with best practice guidance"

One of the factors in the Ramblers objection OBJ/148/026 is that the golf course underpass is not a suitable alternative as it only has a NR stated minimum width of 1.1 metres and a minimum height of 1.75 metres - which is reduced by the presence of duckboards which shows that the underpass floods. The inadequacy of the height is confirmed by Essex Highways statement as above, that 2.1 metres is the minimum height requirement.

7. Susan Tilbrook of Mott MacDonald in Proof NR32 in paragraph 2.28.8 states that:
"The underpass is straight with good sightlines. It is considered that shared use of the underpass would be self enforcing and conflicts would be avoided by users."
8. It is not clear what is meant by "self enforcing". This statement and the statement in paragraph 33.4 of NR30 about users passing takes no account of the fact that at a minimum width of 1.1 metres, users could NOT pass - particularly if one of the users was a golfer with golf cart or riding a golf buggy. The proposed 2 metre wide footpath approach on each side also does not offer any "waiting space".
9. With reference to the golf course underpass, the statement in paragraph 33.4 of NR30 concerning a "clear vision" and the statement of "good sightlines" in paragraph 2.28.8 of NR32 is arguable, as can be seen from the photographs below.

Golf course underpass on the NR proposed alternative route - approaching from the west



10. Susan Tilbrook of Mott MacDonald in Proof NR32 in paragraph 2.28.2 states that:

"It is also likely to prove challenging for users with mobility difficulties due to the need to get over the fence stile to use the crossing."

And in paragraph 2.28.11:

"... due to issues with accessibility at the current crossing (notably the presence of stiles and approaches across grassland)..."

11. The Railway Clauses Consolidation Act 1845 Section 61 required the railway company to:

"erect and maintain at all times good sufficient gates / (bridleway) / and if the same shall be a footway, good and sufficient gates or stiles each side of the railway"

It has therefore been the decision of Network Rail and/or its predecessors to have stiles at each side of the crossing. Network Rail could at any time have installed more EA compliant gates / kissing gates. Essex Highways Authority seek to make any new PRow diversion more EA compliant. The Ramblers see no reason why Network Rail should not also follow such a policy.

12. Susan Tilbrook of Mott MacDonald in Proof NR32 in paragraph 2.28.9 states that: The footpath diversion route east of the railway, from the LIDAR data, is likely to be in the order of 7% and therefore very close to the gradient of the footpath which users have to negotiate to reach the level crossing at present. Local slope adjustments to provide an even *walking surface may be needed and these would be considered further at detailed design.*
13. The ECC Development and Public Rights of Way - Advice note for developers and development management officers Essex Highways Authority (see Appendix A) says on 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.*

14. At an estimated gradient of 7% the slope / bank up from the golf underpass to the legal line of the footpath on the east side of the crossing is greater than the ideal slope of 5% (1:20) stated in paragraph 2.28.10 and in the ECC advice note. The Ramblers see no reason why a Network Rail proposed new route should not be in keeping with current EA best practice rather than referencing past standards. As noted in the Ramblers objection OBJ/148/026 no provision has been made by Network Rail for an all-weather ramp up/down this bank /slope.

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