

OBJ/148/Rebuttal SUMMARY OF PROOF

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 RAMBLERS**

Numbers in square brackets refer to the paragraph numbers in our full rebuttal proof

POINTS RELATING TO NETWORK RAIL'S OVERALL CASE FOR THE CLOSURE OF RIGHTS OF WAY LEVEL CROSSINGS IN THE PRESENT SCHEME

[3]– [10] The Ramblers takes issue with aspects of statistical data, and expresses the wish that it was made available some months ago. We point out in particular that high vehicle volumes noted on roads in proximity to these crossings:—

E28 Whipps Farmers (Warley Street) – 10,000 to 16,000 vehicles per day

E27 Puddle Dock (St Marys Lane) – 7,500 to 11,000 vehicles per day

E33 Motorbike (Pitsea Mount) – 3,500 to 4,000 vehicles per day

T01 No 131 (A1306 Arterial Road) – 25,000 to 27,000 vehicles per day.

With these traffic flow rates, pedestrians using these routes will be subject to continual vehicle noise.

COMMENTS RELATING TO SPECIFIC CROSSINGS

Crossing: E28 Whipps Farmers

Daniel Fisk's POE (NR31-1)

[11] and [12]

28.8 shows the sightlines are compliant. 28.13 confirms this, stating “As can be seen from the table above, E28 Whips Farm Road crossing has sufficient sighting to meet industry standards in all directions.”

This is a low risk level crossing. There is no reason to close it.

Crossing: E29 Brown & Tawse

Daniel Fisk's POE (NR31-1)

[13]

29.8 shows the sightlines are compliant. 29.13 states “if vulnerable users were found to be using the crossing there would be insufficient sighting for up direction trains from both the up and down side of the track.” No evidence is provided by NR to support this crossing being used by “vulnerable users”. Gates have been introduced to reduce the risk. This is a low risk level crossing. There is no reason to close it.

H05 Pattens

Susan Tilbrook's POE (NR32-1)

[14]– [16]

The relevance of 2.47.3 is unclear. We understand NR are not proposing to change the stiles for kissing gates as part of this diversion: so stiles will be part of their scheme as well. We do not see the relevance of the reference to wheelchair access. NR are not proposing to remove stiles; the surface they propose is unmade. Maybe it is a statement of fact but it is irrelevant as it is common to the current route and proposed diversion.

2.47.19. In our experience the route does not have to flood to become unusable.¹

2.47.25. and 2.47.35. "...use of the underpass...". As explained in 148/003,² the underpass is of reduced height (6' 3") which will be reduced even more by NR's proposal. NR should have provided detailed drawings showing the minimum height of the underpass post mesh and raised ground profile.

Daniel Fisk's POE (NR 31-1)

[17]– [18]

54.7. Table on page 241 shows sightlines for H05 comply with the minimum sighting distance required. 54.15 recognises that "There has been no reported misuse or user error at this crossing in the last 5 years." These facts show more consideration should be given to alternative means of improving safety,³ rather than proposing closure.

Crossing: HA04 Eves

Susan Tilbrook's POE (NR32-1)

[19]– [22]

2.51.3: "the crossing is not accessible for people with mobility issues ... as it requires the use of stiles. The approach to the crossing is also uneven with overgrown vegetation". It is our understanding that the stiles are NR's responsibility. They could improve conditions for people with mobility problems by removing the stiles and installing gates as at other crossings. On inspection on 1 September 2017 it was easily accessible — vegetation had been cleared and the ground surface was similar to other countryside footpaths.

2.51.11: "Following a scoping study a DIA was not considered necessary at this crossing ... due to the current restricted accessibility of the existing crossing route at HA04." The crossing is easily accessible and removal by NR of the stiles and replacement with gates

¹ See paragraph 18 of Ramblers proof of evidence 148/003.

² Paragraph 12.

³ e.g. using other equipment as shown in NR26, Appendix C.

would improve accessibility further. The DIA should have been undertaken.

2.51.16 to 2.51.19 clearly recognise dangers to pedestrians and groups of pedestrians including children and those with mobility issues, but no firm plans exist to reduce the risks of accidents between pedestrians and vehicles using Ockendon Road bridge.

Discussions with the highway authorities to enforce speed limits and improve signage will have minimal impact on reducing the risk of accidents.

2.51.22 says “I am satisfied that the proposed route is suitable and convenient when considered in the context of the purpose and characteristics of the existing route”. It is unclear what the author believes the purpose and characteristics of the existing route to be, or how these justify the conclusions as to the suitability and convenience of the route.

Daniel Fisk’s POE (NR31-1)

[23]

61.10 shows the sightlines comply, even though the upside sightline is coded incorrectly as non-compliant. It states the minimum sighting distance required is 185m and the measured sighting distance is 425m. It is therefore compliant. This is a low risk level crossing. There is no reason to close it.

Crossing: T01 – 131

Susan Tilbrook’s POE (NR32-1)

[24]–[27]

2.52.2: We disagree that “The accessibility of this crossing is poor since it includes several stiles.” Inspection on 7 August 2017 showed this path to be typical of a countryside PROW, with just two stiles, one on each side of the railway line. These could be replaced by gates, making access easier.

2.52.10: “a DIA was not considered necessary at this level crossing due to the current restricted accessibility of the existing crossing route”. Two stiles and some mud – a common feature of footpaths – is not justification for not undertaking a DIA.

2.52.14: “The proposals were considered appropriate when the traffic data was considered on this route.” What does this mean? The A1306 is extremely busy with a high proportion of HGVs. Mott MacDonald traffic survey supports this, recording between 25,658 and 27,585 vehicles per work-day. It must be one of the busiest roads in Thurrock.

2.52.18 says: “I am satisfied that the proposed route is suitable and convenient when considered in the context of the purpose and characteristics of the existing route”. It is unclear what the author believes the purpose and characteristics of the existing route to be, or how these justify the conclusions as to the suitability and convenience of the route.

Daniel Fisk’s POE (NR31-1)

[28]–[30]

62.8: “Given the line speed of 50MPH in this area and the distance to cross the crossing of 9 metres, the crossing would require sightlines of 170 metres but impaired users

were observed on the census so 50% has been added to the traverse, the required sightlines required is 254 metres. This is not achievable on the up side looking towards an up direction train approach due to track curvature blocking the sightlines". No evidence or data is presented on the impaired users. What are the observations? How was the impairment quantified? It appears NR have reached a judgment to increase the required sight lines by 50% without providing the evidence.

Furthermore, the measured sight lines were downside 278m and 312m while the upside were 280m and 127m. Three of the four sight lines comply. The reason given by NR for the non-compliant upside sightline of 127m appears to be: "this crossing has insufficient sighting to meet industry standards. This crossing is in the middle of a curve, as can be seen from the second aerial photograph: this means the sighting for a user to see an approaching train is very poor."⁴ The Ramblers' witness inspected this crossing on 7 August 2017: his observation was that the sightlines between the two upsides were not significantly different and definitely not 163m (280m – 127m = 163m).

Crossing T04 Jefferies

Susan Tilbrook's POE (NR32-1)

[31]– [33]

2.53.2: inspection, 10 August 2017, showed both sides of the approach to be no different from many footpaths and not "somewhat limited by uneven pathways".

Paragraph 2.53.11: The DIA does not review the impact on pedestrians with mobility problems having to climb or descend the steep embankments onto the A1014 Manorway. The present footpath does not have steep gradients.

Paragraph 2.53.18 says: "I am satisfied that the proposed route is suitable and convenient when considered in the context of the purpose and characteristics of the existing route". It is unclear what the author believes the purpose and characteristics of the existing route to be, or how these justify the conclusions as to the suitability and convenience of the route.

Daniel Fisk's POE (NR31-1)

[34]

63.14: "The only way we could ensure a compliant crossing was to install the MSL overlay system." The MSL system has been installed and is working therefore the level crossing is compliant. There is no reason to close it.

Crossing T05 Howells Farm

Susan Tilbrook's POE (NR32-1)

[35]– [38]

2.54.11: The DIA does not review the impact on pedestrians with mobility problems having to climb or descend the steep embankments onto the Southend Road. The present footpath does not have steep gradients.

⁴ See paragraph 62.14.

2.54.11: The DIA does not consider the impact and/or risks to pedestrians or groups of pedestrians including children having limited sight lines when crossing the railway bridge on the Southend Road, using a narrow footway.

37. 2.54.11: The DIA states “ ... means the proposals will result [in] significantly less use of Southend Road than is currently the case. The provision of an extended footway is therefore not considered to be appropriate.” We disagree: low pedestrian usage of verges on Southend Road does not mitigate the need for a proper footway. In fact, reduced usage will lead to more growth on the verge resulting in pedestrians favouring road walking (due to the restriction on the available verge) thereby increasing the risk of accidents with vehicles and cyclists.⁵

In 2.54.21, it is unclear what the author believes the purpose and characteristics of the existing route to be, or how these justify the conclusions as to the suitability and convenience of the route.

Daniel Fisk’s POE (NR31-1)

[39]

Paragraph 64.10 shows the sightlines to be compliant. This is a low risk level crossing. There is no reason to close it.

—End of summary of Ramblers’ rebuttal proof—

⁵ See Mott MacDonald Road Safety Audit NR16 para 2.73.2.