

PUBLIC INQUIRY
APPLICATION BY NETWORK RAIL UNDER TRANSPORT AND WORKS ACT
1992
PROPOSED NETWORK RAIL (ESSEX AND OTHERS LEVEL CROSSING
REDUCTION ORDER

OBJ/195/W3 – ESSEX COUNTY COUNCIL

REBUTTAL

ROBERT LEE
PROW AND RECORDS ANALYST

In addition to my Proof of Evidence already submitted, and in response to the Proofs of Evidence submitted by Network Rail, I wish to make this further statement. I have read all evidence made available by Network Rail and raise points in relation to each below, any number reference is to a correspondence paragraph in the statement to which the comment relates.

Mark Brunnen

5.6 This point discusses the ORR instruction to prioritise the crossings that present the highest risk. Network Rail (NR) do not appear to have done that with the inclusion of many branch line closure proposals, 5 of 7 seven of ECC's crossing closure objections are for branch line crossings where NR accept (in the evidence of Daniel Fisk) that there are acceptable lines of sight. The inclusion of these branch line proposals is to the detriment of legitimate public access rights and to the detriment of public safety where the road forms part of the alternative route e.g. E43, E48, E51 & E52.

7.7 & 7.8. NR have failed to advise how many, if any, of the pedestrian near misses are on level crossings in Essex that facilitate footpaths (PROW) and of that number how many were on footpaths in this order and whether any were on the crossing closures proposals objected to by ECC and/or others. Without the context specific to this order, this region and these (in Essex) 54 crossings it lacks any direct applicability to this proposed Order and these crossings.

Eliane Algaard

2.6.16. I rebut that NR are 'maintaining and in some instances enhancing connectivity with the wider PROW network' in all proposals. In particular the added connectivity at Thornfield Wood and Golden Square is at the expense of the current, well-used and enjoyed connectivity severing valuable east/west links afforded by the current crossings and replacing them with overlong north/south diversions.

Nigel Billingsley

Page 63, E48 Wheatsheaf.

NR claim that the proposal benefits by 'reducing on-road walking for users heading east-west.' However, this ignores the fact that the existing access is to the North West, the attempt to replicate that access requires a far greater amount of road walking in order to achieve the current access direction. NR have not recognised the convenient connection to the North West, to the nature reserve that affords a circular walk with estuary views.

In my view, this is an example of their lack of understanding of the PROW network and attempts in some cases to replace crossings with substantially different routes which in this case, no way replaces that which already exists.

Andrew Kenning

E30 Ferry.

NR and ECC appear to fundamentally disagree about the impact of the extra distance, which ECC consider to be directly away from the desire line of the country park. NR make repeated mention elsewhere of the links being required for 'long distance paths.' This assumption completely ignores the desire line to Hadleigh country park, where walks on and off the PROW network are available thus providing both circular walks and an end destination in itself. In failing to recognise the importance of the country park both locally and more widely NR have underestimated the effect of directing people away from it towards an urban environment as part of their diversion proposal.

E43 High Elm.

NR imply here that ECC requested that the route, through the woods, be truncated. This is a misrepresentation, as ECC oppose any diversion at this location preferring the existing route remain open.

E52 Golden Square

NR champion the purported benefit of the new north/south links while not understanding that through their length, inconvenience and hazardous use of roads, that they are a very poor replacement for the existing east/west links. West of this branch line there exists a wide network of PROW including those using old airfield sites and which provide connections in the direction of the Dedham Vale/Stour Valley AONB. New north/south links do nothing to facilitate, replace or enhance this connectivity.

Susan Tilbrook

E30 Ferry/E31 Brickyard Farm

Again, great emphasis is given to the use of the current crossing/s for long distance walks. Again NR demonstrate a lack of awareness of the draw of the country park and

the facility it provides in itself for walkers to create their own circular walks or as an end destination to enjoy (especially for Canvey residents). Over-focusing on long distance paths downplays the extra distance of the diversion route and its distance away from the desire line.

E38 Battlesbridge

2.31.2. NR describes the current route as having 'no clearly defined footpath to the level crossing on either side.' The PROW network is a predominantly rural one with the majority of paths having a natural surface. PROW are signed where they leave the highway but there is no obligation on the highway authority to waymark their routes, though many are. There is also the expectation that walkers, especially when walking in an area unfamiliar to them will use maps. NR's view therefore that the natural nature of this footpath makes it inaccessible is not correct, and the provision of steps to climb up and down a much greater incline reduces the accessibility of this route.

E43 High Elm

2.33.2. NR describe accessibility to the current route as 'poor.' ECC disagree and believe that the site inspection report included in my first statement and the Inspectors own site visit will evidence this misrepresentation.

2.33.19. NR consider the diversion route to be convenient, however it takes walkers directly away from the desire line of the open countryside.

E48 Wheatsheaf

NR give the impression that the estuary is exclusively accessed to the (north) east, but the estuary is north of the railway line both to the east and west and the current route provides much more convenient access to the nature reserve and bridleways to the north west. In not referencing this NR discount the great inconvenience to users who wish to access that direction via the proposed diversion.

2.36.16 NR describe the diversion route as 'rural walking' but in reality this is road walking in a road with intermittent verge availability.

E51 Thornfield Wood

2.38.2 NR state 'access severely limited by steps.' ECC's view is that the very limited steps here are consistent with and typical of a rural PROW and do not fit NRs description.

2.38.11. NR state that the north/south routes enhance connectivity and that they provide circular walks. These circular walks would require use of narrow rural roads and do not therefore appear to this authority to be useful or a benefit to the network, especially when compared to the existing east/west access.

E52 Golden Square

2.39.2 NR note the difficult steps and uneven path, both of which would be easy and relatively inexpensive for NR to rectify. While acknowledging that this is a rural, agricultural location NR state that the route is not pushchair friendly. This is also true of the proposed alternative route which utilises field headlands and narrow rural roads, this point is not relevant in my view.

2.39.11. NR's comment that there are no obvious long distance routes ignores the mass of PROW to the west, the easy access to which would be truncated by their proposal.

2.39.12 NR argue that the increased length of the diversion route is a 'nett gain.' This fails to consider the direction, safety and usefulness of the proposed alternative as already stated.

Daniel Fisk

In this evidence NR themselves show that the sightlines for all of the branch line crossings which ECC object to the closure of as within or exceeding acceptable limits and with no reports of misuse. This surely indicates that these are not high risk crossings and that as consequence they should not be included in this order. Their continued inclusion especially after objections is unwarranted and they should be excluded from this order process.

Mention is made several times of pedestrians - youths and the elderly are singled out - as being vulnerable through distraction via headphones, phone use and by the wearing of hoodies etc. which NR advise limit the effectiveness of warning systems/train horns/the noise of approaching trains. NR have conveniently ignored that the use of roads, many of them unlit, narrow country lanes, as an alternative route in their proposals places the pedestrians at the same risk of distraction but without any warning systems at all being available. NR could if they so wished install warning systems on the passive crossings, which after all are defined, controllable locations, but deem it too expensive. No such comparable system exists to allow pedestrians to safely negotiate walking along the length of country roads (which by their linear nature have no defined points). This, therefore, is an example of the unacceptable and clear transference of responsibility from the rail network and NR onto the road network and the highway authority on branch line crossings where their inclusion is not justified.

I have created the table below based on the data from Daniel Fisk's evidence. He lists the speed, train frequency and minimum sighting distances for each crossing. I have assembled that information into a table to show that for the branch line crossings that ECC object to, the available sighting distances meet NR's requirements. Within the text of his evidence on pages 169 & 171 Daniel Fisk quotes two different line speeds. In particular, E43 High Elm branch line, is noted at both 50mph and 75mph, the 50mph figure is probably correct but it appears that the calculations were made on 75mph. If this is the case, then the available sighting distances would be even greater supporting ECC's case to keep this crossing open.

Crossing	Branch line	Train freq.	Train speed m.p.h.	Min. sighting req.	Range of sighting measured	Sighting compliant ?	Reported misuse or human error?
E38	Wickford to Southminster	57 over 19 hours Avg. 3	50	149	284-1200	Yes	Yes
E43*	Colchester to Clacton	101 over 19 hours Avg. 5.3	50	251	330-800	Yes	No
E48	Manningtree to Harwich	64 over 20 hours Avg. 3.2	60	226	335-570	Yes	No
E51	Marks Tey to Sudbury	38 over 19 hours Avg. 2	50	106	198-482	Yes	No
E52	Marks Tey to Sudbury	38 over 19 hours Avg. 2	50	108	212-320	Yes	No

Signed

R Lee

Dated

3.10.17