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Rebuttal of Susan Tilbrook's Proof of Evidence

Transport and Works Act 1992: Application for the proposed Network Rail (Essex and Others Level Crossing Reduction) Order.

Network Rail (NR) Crossing Ref: E29
DTLR Ref: OBJ/105

Iceni Projects Limited on behalf of I²
Development Management

September 2017

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CONTENTS

1. INTRODUCTION.....	3
2. FORWARD VISIBILITY	4
3. SUMMARY AND CONCLUSIONS.....	7

1. INTRODUCTION

- 1.1. I (Clive Burbridge), have prepared this rebuttal to address the main points of dispute within Susan Tilbrook's evidence on behalf of Network Rail (NR).
- 1.2. I have not provided comment on every paragraph of the evidence or other NR evidence and any lack of comments should not be taken as meaning that I agree with the views expressed.
- 1.3. In summary, there are a number of points of dispute within Susan Tilbrooks's (ST) evidence, which I will seek to address in this rebuttal.

2. FORWARD VISIBILITY

- 2.1. I am still struggling after reading the evidence to understand how the red route can be dropped on the grounds of safety following concerns raised by a safety audit, and yet these same concerns do not apply to the blue route. Within my own evidence at Table 2.1 I compared the routes, and except for the volume of traffic, the concerns raised in relation to the red route equally (or worst) still applied to the blue route.
- 2.2. Reference was made by the auditors to vehicle speeds along the red route, despite this being naturally calmed due to the bends. This combined and the lack of forward visibility across the bridge was a concern. I stated within Table 2.1 that with regard to the blue route compared to the red route that “The observed speed of vehicles appears greater, which is to be expected given the straight geometry of the road with no bends to slow the driver approach.” In addition, one of the approaches to the red route is within a 30mph urban area where speeds would be expected to be lower, changing to derestricted at the bridge which is naturally traffic calmed. This is also an environment where you are more likely to expect to see pedestrians within the road. The blue route and approaches to the bridge fall entirely within derestricted limits (60mph).
- 2.3. Within ST evidence, paragraph 2.24.15, reference is made to the recorded 85%ile speed of vehicles southbound along Childerditch Lane. This recorded speeds of 42.6mph. Firstly this is an 85%ile speed, so by definition 15% of the vehicles were travelling in excess of 42.6mph. Nevertheless as an industry we work on the 85%ile speeds to determine visibility, safety etc. A speed of 42.6mph requires a forward visibility distance of 112.1 metres in accordance with Design Manual for Roads and Bridges or 72.1 metres if Manual for Streets were to be applied (normally used within residential areas). In the absence of a topographic survey it is difficult to know the exact forward visibility over the bridge, but from measurements it would appear to be in the order of 30 metres and certainly considerably less than 112 metres or even 72 metres.
- 2.4. Whilst I accept this would be no different from the red route (over St Mary's Lane bridge), vehicle speeds would be slower and the road is wider. As per my evidence Childerditch Lane measures 4.8m across the bridge with no verge. St Mary's Lane measures 5.9m with a narrow strip of vegetation (almost none). In addition, Network Rail's solution for the blue route is to connect the footpath with the road either side of a blind summit where pedestrians will appear unexpectedly in the road obscured from vision given the required forward visibility (especially young children)
- 2.5. Manual for Streets (page 79, figure 7.1) provides guidance as to the width required for vehicles to pass. For ease of the inquiry I have provided a copy of this figure below:

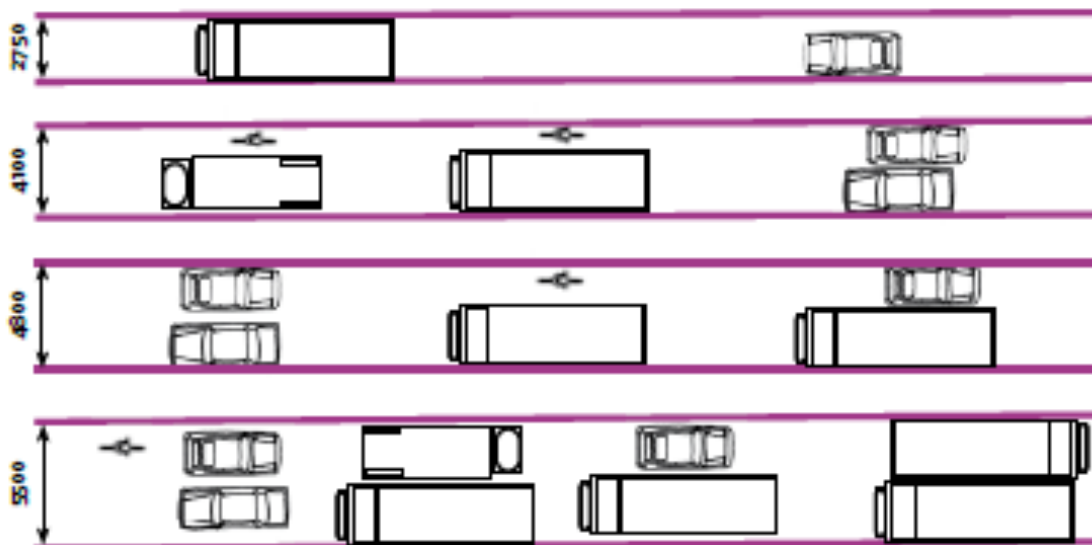


Figure 7.1 illustrates what various carriageway widths can accommodate. They are not necessarily recommendations.

- 2.6. As can be seen a width of 4.8m barely allows an HGV and car to pass, with no space for pedestrians. Given the presence of an operational industrial estate and employees travelling too and from work, this situation is likely to occur a number of times throughout the day. Furthermore , 4.8m would not accommodate two cars and a pedestrian. It is however very apparent that 5.9m would accommodate two-way traffic with a pedestrian, especially given the slower vehicle speeds and the benefit of an additional narrow strip of vegetation. For clarity Manual for Streets only shows up to 5.5m and not the 5.9m available.
- 2.7. As I previously stated in my Evidence and reiterate again, when considering the safety of the proposed closure of the level crossing and a diversion of the route, it is accepted that the existing level crossing presents a potential risk to pedestrian safety and an alternative route should be considered. However this alternative should represent an improvement in highway safety/risk to pedestrians and not seek to relocate the problem/risk onto the highway authority.
- 2.8. As can be seen from the paragraphs above I must maintain that the reasons provided by NR for dropping the red route and promoting the blue route is based on a misconception over the potential risk of conflict and I fail to understand how the red route can effectively fail a Road Safety Audit, whilst the blue route does not share the same concerns. As a result, the risk of conflict at the level crossing is merely being transferred to another location, which arguably has a greater likelihood for conflict.
- 2.9. Whilst it is appreciated that NR have considered a bridge at this location and dismissed the solution on the basis it was not viable on a cost benefit analysis, this fails to take into account that the existing station has an existing platform bridge which is not disability compliant. This bridge will be replaced in the future in line with NR policy to ensure that stations are DDA compliant, this is

happening elsewhere on the network and must be considered as a third alternative . These factors appear to have been overlooked within the analysis.

- 2.10. As previously stated in my evidence, NR have control over a large area of land around the station. With the ownership within their control and the provision of similar footpath diversions to those originally promoted with the red route (the sections found acceptable to the auditors), it is within the power of Network Rail to provide a new footway pedestrian bridge over the railway to the east of the existing St Marys Lane vehicular bridge. This pedestrian footbridge crossing with realigned footpath would offer a route free of additional conflict/risk, and address both the road safety auditors concerns and my objection to the footpath diversion.
- 2.11. I have nothing further to add to this rebuttal that has not already been covered more fully in the Proof of Evidence I provided.

3. SUMMARY AND CONCLUSIONS

- 3.1. Having read the NR evidence, I still wish to maintain my objection to the proposed footpath diversion along the blue route. Indeed, ST evidence shows that vehicle speeds would be high, on a narrow road at the location of a blind summit, significantly below the standards required for forward visibility at that location. To compound matters NR proposed to join the bridge either side of the blind summit where pedestrians would appear in the road, obscured from the driver view.
- 3.2. In conclusion, the blue route shares similar characteristics as the red route, which has been dismissed as a viable option by Network Rail's safety audit team. It therefore stands to reason that the blue route would only relocate the risk from Network Rail's land (level crossing) on to the public highway where it becomes someone else's problem. A solution is available to Network Rail, which would allow an alternative route to be provided.