

087/139

Mr A R Smith



Date 8th May 2017

Secretary of State for Transport C/O Transport and Works Act orders Unit

General Counsel's Office

Department for Transport

Zone1/18, Great Minster House

33 Horseferry Road

LONDON

SW1P 4DR

Dear Secretary of State

Network Rail Essex and Others Level Crossing Reduction Order

Level Crossing: E16 MALDON ROAD

We write to object to the proposals for a new bridleway on our land in conjunction with the proposed closure of Level Crossing E16 Maldon Road (Plan sheet 23). We consider the proposal to create a new bridleway to be excessive when the footpath can be easily re-routed.

As background the first we knew about this proposal was on the 25th November 2016 when Richard Kemsley from Gateley Hamer Ltd approached us about this subject. We understand that Network Rail have now disinstructed Richard in this matter. He may have thought a bridleway would be acceptable but this is definitely not our view and we believe we clearly communicated this to him.

We heard nothing further until the beginning of April 2017 when notifications for the above plans were placed in inaccessible locations on our land without prior notice or permission. In addition we understand that neither local residents nor the Parish Council have been notified of the Plan. During discussions with local residents it should also be noted that they are unable to recall the last time that they even saw the existing footpath in use. This is probably due to the fact that it terminates at the slip road on the A12 which is extremely dangerous for anyone on foot.

We understand that Network Rail have now appointed Bruton Knowles to act for them. In not communicating plans in a clear and concise way to key residents and councils and not allowing sufficient time to discuss and/or object we can only see this as a bullying tactic in order to obtain land in a very short period of time. We would suggest that Network Rail's approach might be to employ not one but several agents each for a very short period of time so as to cause confusion and muddy the waters.

We have tried to pro-actively discuss this matter with the two agents and requested site visits to suggest alternative solutions which would cause considerably less impact to the environment and would cost significantly less to implement but have been told on numerous occasions that a site visit was not necessary at this point.

It is noted that the footpath is required for walkers and we agree that walkers should be able to enjoy the wonderful countryside Essex has to offer. Our suggested alternative would have no impact on them.

The latest proposal is unacceptable not only to us, the landowners, but also too many of the residents within the village for the following reasons:

- You cannot replace Footpath EX/226/21 on the northern side of Maldon Road with an extension of the Bridleway EX/226/22 on the southern side of Maldon Road. These are separate entities and therefore should be treated as such.
- The proposed bridleway route is an invasion of privacy and raises worrying concerns over security for the residents of Whitesbridge Cottages (Grade 2 listed), Littlebridges and surrounding properties. The Whitesbridge Cottages become encircled by the new proposal and the existing bridleway (EX/226/22)
- The proposed bridleway is an unnecessary use and loss of essential and valuable agricultural land.
- The creation of the proposed bridleway will be a considerable unnecessary expense to Network Rail. The agents Bruton Knowles say this is irrelevant although I am sure Sir Peter Hendy CBE would disagree as Network Rail's predicted debt is estimated to reach £56 billion by 2019. Therefore, in my opinion, it is important that the proposed route is achieved in the most cost effective method.

Taking into consideration all of the above I would like to present our alternative proposal:-

The logical solution is to use the existing footpath EX/226/21 from P154 to P153 and then to P152A. From the proposed closure at the level crossing to then turn left and walk SW along the field edge adjacent to the railway to the corner locally known as "Nunn's crossing". A simple stile erected to cross the boundary and to then continue along the North side of Maldon Road. The grass verge is approx. 4-6 metres wide and therefore ideal to provide a footpath with walkers facing the oncoming traffic to the existing P156 at "Tandridge". It should be noted there is a safe distance to cross the road here from the underpass. This route is retaining the footpath on the North side and therefore not diverting onto a new Bridleway which is a separate entity. In addition this proposal does not affect valuable agricultural farm land which is actively in production. Finally the ramblers have a route as requested with country views to their left.

I am sure you are in agreement that this matter needs to be resolved with the least impact on the environment, minimal cost to all parties and most importantly with a little common sense which unfortunately is not currently the case

I look forward to hearing from you

Yours sincerely

Anthony R Smith

Landowner of proposed right of way.

Christine A Smith

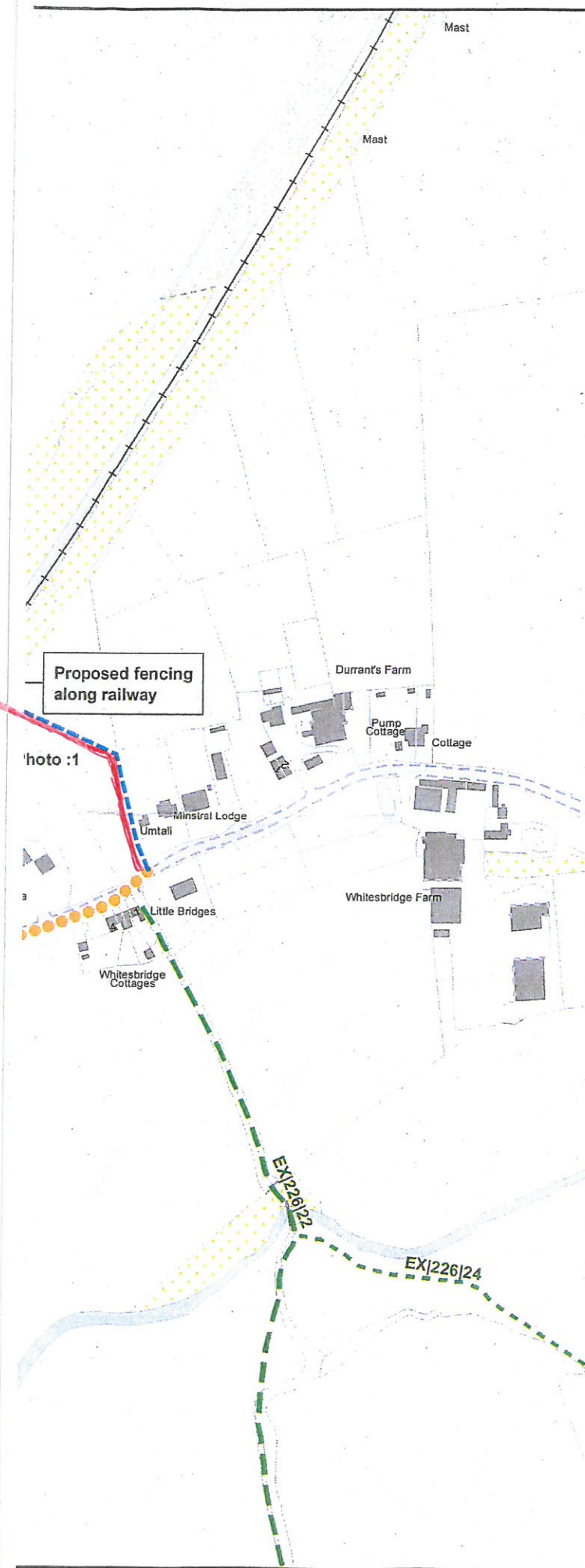
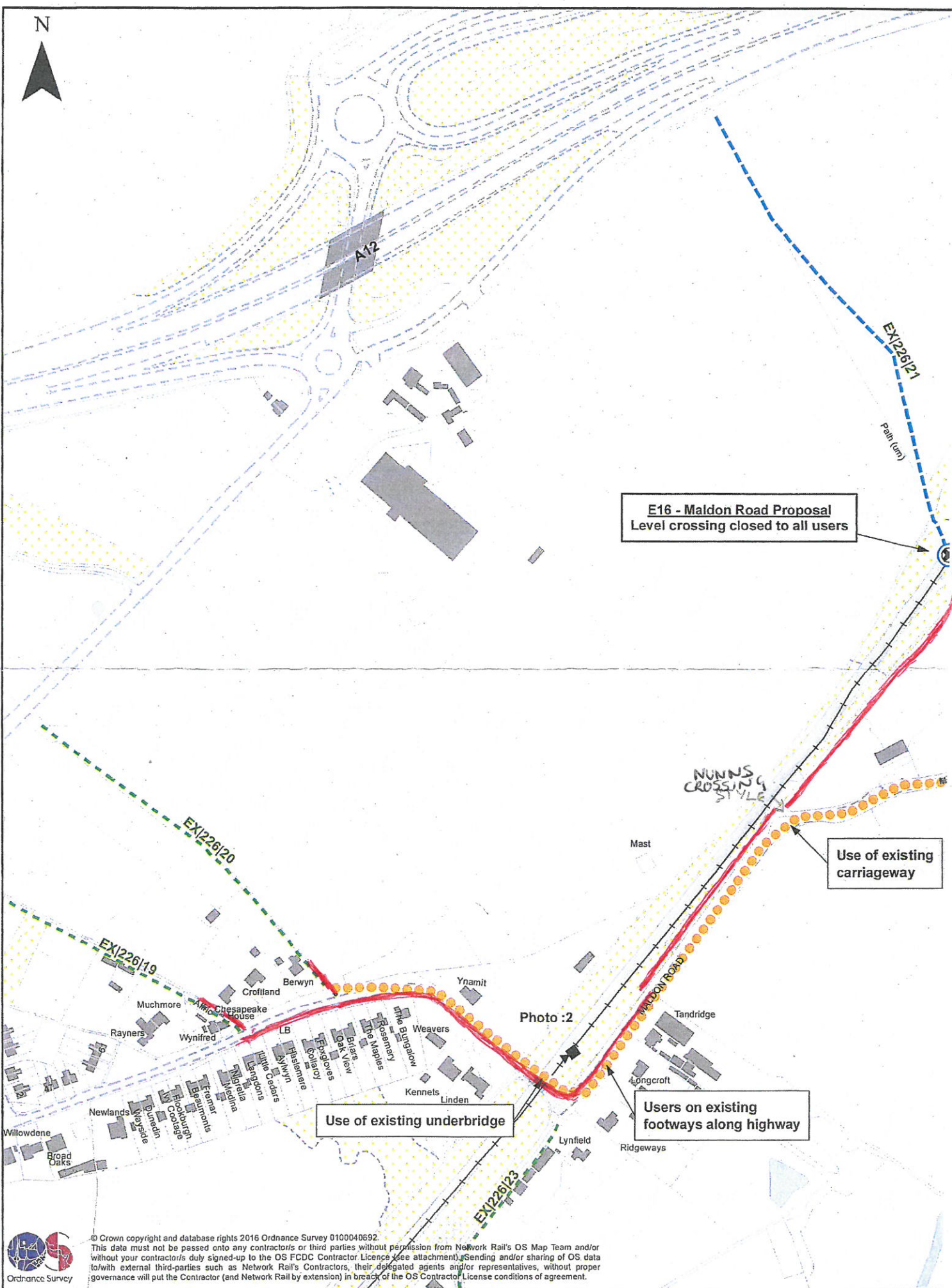
Landowner of proposed right of way.

Enc.




Appendix 1 - Our Proposal highlighted in Red

Appendix 2 - The Network Rail (Essex and Others Level Crossing Reduction) Order

Appendix 3 - Anglia Level Crossing Proposals



Level Crossings






-  Level crossing being discussed
-  Other level crossing in the project
-  Other level crossing not in the project

Right of Way / Other Route Type

- Footpath
- == Bridleway
- · — Restricted byway
- + · + · + Byway open to all traffic
- ... Highway (shown where used as part of a diversion)
- ◆ ◆ ◆ ◆ Private Road / Track (shown where used as part of a diversion route)


The line styles above indicate the type of right of way or other route proposed.

Right of Way / Other Route Status

- | | |
|---|--|
|  | No Change and not part of diversion route |
|  | Use of Existing right of way for diversion route |
|  | Change of Status to right of way |
|  | Closure of existing right of way |
|  | Creation of new right of way |

The colours below indicate the nature of the proposal.

Photographs

- 
- Photograph Location (with no. - see Summary Sheet for details)



Anglia Level Crossing Reduction Strategy

Round 2 Public Consultation Proposal

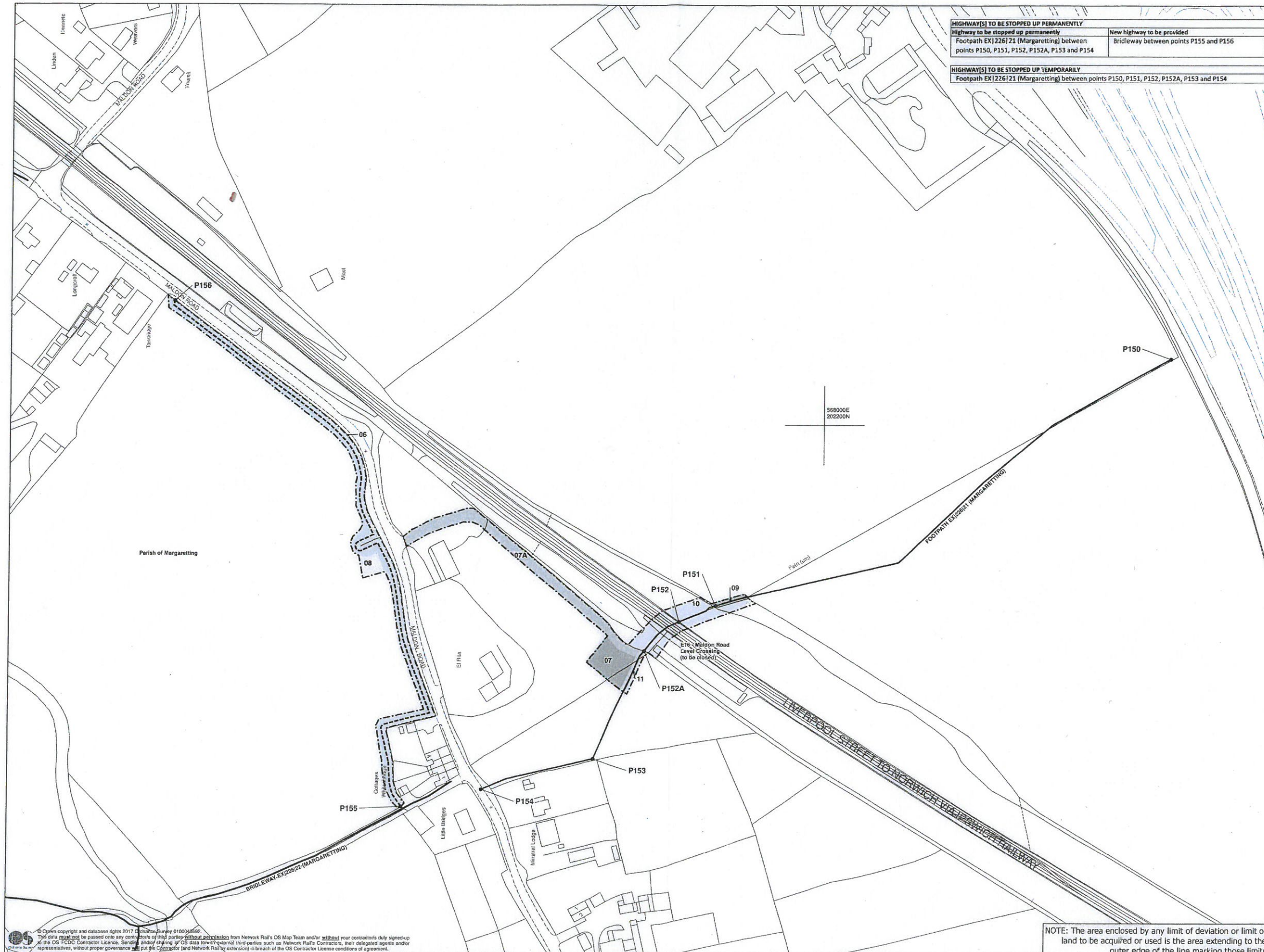
E16 - Maldon Road
Essex
Margaretting CP

P1	16/08/2016	For Information	WC	DW	SJT	JAS
Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
Scale at A3 1:3,500		Drawing No. MMD-367516-E16-GEN-003				

Transport and Works Act 1992 The Network Rail (Essex and Others Level Crossing Reduction) Order

COUNTY OF ESSEX, CITY OF CHELMSFORD
PARISH OF MARGARETTING

Sheet 23
E16 - Maldon Road
Level Crossing



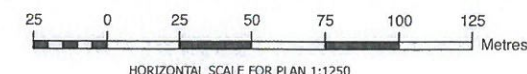
HIGHWAY(S) TO BE STOPPED UP PERMANENTLY	
Highway to be stopped up permanently	New highway to be provided
Footpath EX(226)21 (Margarettling) between points P150, P151, P152, P152A, P153 and P154	Bridleway between points P155 and P156

HIGHWAY(S) TO BE STOPPED UP TEMPORARILY	
Footpath EX(226)21 (Margarettling) between points P150, P151, P152, P152A, P153 and P154	

Unrestricted powers to acquire land No. on plan:	
Powers Limited to Temporary Use of Land and Acquisition of Rights No. on plan:	
Powers Limited to Temporary Use of Land No. on plan:	06 07 08 09 11
Powers Limited to Rights No. on plan:	07A
Powers Limited to Extinguishment of Rights No. on plan:	10
Centrelines of Work	
Commencement of Work	
Termination of Work	
New / Improved Access	
Limit of Deviation	
Limit of Land to be Acquired or Used	
Individual Land Parcels are shaded in contrasting shades of grey	
Land Parcel Number	
Network Rail Property	
Areas of Third Party Land Benefitting from New Access Rights	
Existing or Alleged Public Right of Way	
New Public Right of Way	
TRAFFIC REGULATION ORDERS (IF APPLICABLE)	
TRO1 Traffic Regulation Order Reference Point	
Administrative Boundaries	

NOTE: The area enclosed by any limit of deviation or limit of land to be acquired or used is the area extending to the outer edge of the line marking those limits.

PLAN



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Anglia Level Crossing Proposals

E16 – Maldon Road (Margaretting Parish)

Public Right of Way Reference – EX/226/21

Network Rail has been working hard to better manage its level crossings and the risks they pose. It has developed proposals for the possible closure or change to public rights of way at around 130 level crossings in Anglia. Closing or modifying level crossings can help to bring about a number of benefits:

- Improve the safety of level crossing users
- Deliver a more efficient and reliable railway, which is vital in supporting the regional and UK economy
- Reduce the ongoing operating and maintenance cost of the railway
- Reduce delays to trains, pedestrians and other highway users
- Improve journey time reliability for railway, highway and other rights of way users

The level crossings in this initial phase of the Anglia Level Crossing Reduction Strategy do not include any new bridges or underpasses, and offer benefits which are currently affordable and deliverable.

Maldon Road is one of the level crossings in the County of Essex. It is located in Margaretting Parish and has the postcode CM4 9JS. This level crossing is currently closed for safety reasons. A Rail Crossing Extinguishment Order (to legally close and remove the crossing) has been applied for by Essex County Council. This level crossing is protected by whistle boards. Whistle boards are only effective between the hours of 07:00 - 23:00; outside of these hours train drivers are not allowed to use their horns. The railway at this crossing carries passenger and freight trains with a line speed of 90mph. There are generally 294 trains passing through this level crossing per day. Due to the upgrade of the A12 there is no onward connection to the north of the crossing or provision for crossing of the A12 slip roads and dual carriageway.

Network Rail's level crossing risk assessments are supported by use of the All Level Crossing Risk Model (ALCRM). This produces a score for the 'individual risk' presented as a letter ranging from A to M, where A is the highest risk and M is the lowest. In addition 'collective risk' is based on the number of people who use the crossing, and is presented as a number ranging from 1 to 13, where 1 is the highest risk and 13 is the lowest. Maldon Road level crossing currently has an ALCRM score of M13, the lowest score available, reflecting the closed status. There were no incidents of misuse, no near misses and no accidents at this crossing between 2011 and 2015.

Public consultation was undertaken in June on initial options for changes at this level crossing. At this level crossing, three questionnaire responses were received. For Maldon Road, a summary of the questionnaire responses is shown below (route colours refer to the June 2016 Stage 1 consultation plan – please see the project website for details):

- 33 % of responses were neutral towards the proposals
- 67 % of responses disagreed with the proposals
- 100 % of responses preferred another route to those shown

Responses showed concern regarding diversion length, connectivity, and with the underbridge which may be dark, damp and potentially susceptible to flooding. Concerns were also raised about Maldon Road being potentially dangerous to walk down, as it is busy and narrow, with no white lines, no pavement and no walkable verge.

As part of the consultation process a wide range of statutory consultees, landowners and user groups were also consulted. The responses received have been taken into account when determining the preferred option.

The consultation feedback together with a range of other factors such as user safety and convenience, environmental impacts and economic factors were used to determine a preferred option. In this case, the red route shown at the June 2016 Stage 1 consultation has been taken forward.

Our preferred option is to close the crossing to all users. Crossing infrastructure would be removed and fencing installed to prevent trespass onto the railway. Users would be diverted to the existing underbridge to the south east of the level crossing. This will be accessed by Maldon Road on both sides of the railway with users on a mixture of existing carriageway, grass verges and footways.

Diversion lengths:

- Due to the creation of the A12 to the north west of the level crossing, the footpath EX/226/21 has become severed, and as a result it is currently a dead-end. As a result, the proposed route has no comparable diversion.

Photo 1: Existing level crossing



Photo 2: Alternative railway crossing (using underbridge)



Photo locations are shown on the plan overleaf.

This summary sheet and a questionnaire are available at the public exhibitions and on the project website at: www.networkrail.co.uk/anglialevelcrossings. Please complete the separate questionnaire using the level crossing identification number **E16** and your feedback will be considered before the proposals are finalised ahead of submitting a Transport and Works Act Order to the Secretary of State.

To contact our team, please email us at: anglialevelcrossings@networkrail.co.uk or phone the helpline: **03457 11 41 41**. We thank you for your time and providing your comments on the Anglia Level Crossing Proposals.