



C/O Mrs Shirley Anglin
Essex County Council
Seax House
Essex Highways
Victoria Road South
CHELMSFORD
Essex CM1 1QH
Email: ELAF@essexhighways.org
Website: www.essex.gov.uk

10 May 2017

The Secretary of State for Transport
% Transport and Works Act Orders Unit
General Counsel's Office
Department for Transport
Zone 1/18 Great Minster House
33 Horseferry Road
LONDON SW1P 4DR

TRANSPORT AND WORKS ACT 1992 and THE TRANSPORT AND WORKS (APPLICATIONS AND
OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006

THE PROPOSED NETWORK RAIL (ESSEX AND OTHERS LEVEL CROSSING REDUCTION) ORDER

OBJECTIONS BY THE ESSEX LOCAL ACCESS FORUM

The Essex Local Access Forum (ELAF) strongly objects to the programme of closing 130 non-vehicular railway level crossings in the Anglia region. It is being driven through en masse with the inappropriate use of Transport and Works Act Order (TWAo) and with inadequate time to respond. ELAF have previously expressed concern at the use of the Transport & Works Act and the timing and procedures for the earlier public consultations - see the letter sent by ELAF to Network Rail dated 5th August 2016. No reply was received to this formal letter.

The Essex Local Access Forum (ELAF) also strongly object on the basis that there has been inadequate public information. The proposed TWAo crossing closures Order has been extremely poorly publicised both on Network Rail's own website and in the press. There is no coverage of the Transport & Works Act Order on the Network Rail "home -> latest news" pages. There is one press release dated 31 March on the "home -> latest news -anglia" web pages (also on Home -> Media centre -> National & regional news) but this has no clickable link(s). Electronic documentation is finally found at..

Home -> Running the railway -> Our routes -> Anglia -> Anglia level crossing proposals.

However there is no information as to where hard copies of the electronic documentation can be found and accessed. Documentation is affixed on site by the crossings proposed for closure which serves to alert path users. However the on-site documentation and plans cannot be taken away and so this is an inadequate method of enabling members of the public to assimilate and assess the alternative proposed.

County Council election dates are published well in advance. However, the TWAO consultation period has coincided with the Essex County Council elections and the period of purdah. This has made it impossible to interact with County Councilors and officers in a normal way as the process of decision making is interrupted. ELAF object to the timing of the TWA Order.

Network Rail's press release states that.... *Closing level crossings and diverting to alternatives will make the railway safer by removing the point where people can come into contact with trains.* However most of the crossings in the Transport & Works Act Order **have no safety issues**. Network Rail's own published data shows no incidents, near misses or accidents at most of the crossings on the closure list. ELAF respectfully point out that there are many other points where people come into contact with trains – stations being prime examples of locations where accidents & suicides happen.

Network Rail's press release states that... *We understand that public rights of way are an important part of life in this region, and have maintained connectivity where possible in our plans.* In many cases, Network Rail are planning to maintain connectivity by **requiring pedestrians to walk on roads (carriageways) with no pavements or verges** and over or under historic railway bridges that are narrow and also often without any pedestrian refuge space. This shows a lack of regard for the safety of the public with an increase in the likelihood of dangerous vehicle & pedestrian accidents. The Rail Safety Standards Board report states that there were **3 level crossing fatalities in 2015-16**. Most incidents are suicides and these very rarely happen at PRoW level crossings. By comparison, there are many more road accident fatalities and Network Rail's proposals are sending people onto roads.

The proposed crossing closures will severely damage the public's access to and hence ability to enjoy our wonderful countryside on freely available public footpaths and bridleways. This is at a time when the **health benefits of walking** and exercise are being increasingly recognised and considerable tax monies are being spent to promote and encourage exercise.

Sections 118A and 119A of the Highways Act 1980 are procedures specifically for the closure and diversion of public rights of ways that cross railway lines. The Essex Local Access Forum ask that **these established procedures are used** instead of the draconian and opaque procedure of the Transport and Works Act. The proposals for the Essex County Council area include NO construction of new bridges or new underpasses over or under any railway line. The few bridges that are proposed are over drainage ditches /watercourses. Height differences are dealt with by steps rather than by ramps which is against the spirit of accessibility for all. With no major engineering works proposed, the Essex Local Access Forum sees no need to use an Act whose purpose is to enable major works and infrastructure projects like HS2.

Section 118A, rail crossing extinguishment orders, requires that regard be given as to whether it is **reasonably practicable to make the crossing safe** for use by the public – a regard that is apparently not required by the Transport and Works Act. If safety is an issue at a crossing (e.g. on a mainline), then before closing crossings and disrupting the public right of way network, **Network Rail should demonstrate that regard has been given to increasing the safety of the crossings by use of light signals, interlocking gates, train sensor technology, etc.** Network Rail's website has a press release of 20 April 2017 on a new Covtec warning system that "alerts pedestrians of approaching trains". The installation of a warning system at crossing E56 Abbots has been promised by Network Rail many

times but has failed to materialise. Crossing E44 Frating Abbey has been removed from the closure list as warning lights that have been hooded for many years, have been made operational.

In summary, the Essex Local Access Forum strongly objects to this Order as it involves:-

- Closure of large swathes of crossings at a time.
- Only limited options being presented and no opportunity for consultees to propose & make the case for alternative approaches. No opportunity for the case for each crossing to be tested at a public inquiry.
- Inadequate publicity so that many local people and the public at large have no knowledge of the plans and their implications.
- No use of safety measures like warning lights, interlocking gates or train sensor technology as a first approach – simply closure.
- Complex documentation with information about a crossing scattered over several sections e.g. NR02, NR08, NR09 and NR12. The maps /plans in particular are large files that require a robust internet connection to download, which is often not available in rural areas. No easy access to hard copy documentation.

The ELAF strongly objects to Network Rail's use of the Transport and Works Act to carry out blanket closures of these non-vehicular Rail Crossings, many of which have no record of accidents, incidents or near misses. ELAF wish to see crossings considered on a case by case basis with adequate opportunity at Public Inquiry for public scrutiny, particularly where closure or diversions involving the use of vehicular roads with no pavements or verges are proposed.

ELAF strongly objects to the proposed scale of closures for their devastating and unprecedented effect on our historic and freely accessible network of Public Rights of Way, destroying or degrading many established routes. The effect of the TWAO closures if agreed will be to decrease access to the countryside at a time when the benefits of healthy exercise are proven, promoted and funded.

Yours sincerely,



Pp. Mrs Katherine Evans

Chairman

Essex Local Access Forum

**This letter constitutes formal advice from the Essex Local Access Forum.
In accordance with section 94 (5) of the Countryside and Rights of Way Act 2000, section 94 (4) bodies are required to have regard to relevant advice from this forum in carrying out its functions.**

Angela Foster

030/142

From: ELAF <ELAF@essexhighways.org>
Sent: 11 May 2017 15:06
To: TRANSPORTANDWORKSACT
Cc: ELAF; Adam Scott; Doug New; Edward Dixon; JANET ARTHUR; John Victory (jandrane@btinternet.com); katherine Evans; Louise Fuller; Martyn Towns; richard gray; 'Robert Johnstone'
Subject: Objection to the Essex and Others Level Crossing Reduction Order
Attachments: ELAF Objection letter_TWAO_May17.docx

Dear Sirs,

Please find attached a letter of objection from the Essex Local Access Forum to the Anglia Level Crossings Reduction Strategy; the Essex and Others Level Crossing Reduction Order.

I would appreciate acknowledgement of this objection letter.

A copy letter has been posted to you.

Regards,

Shirley Anglin
Acting Secretary

Essex Local Access Forum
Public Rights of Way, Seax House, Victoria Road South, Chelmsford, Essex, CM1 1QH

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