OBJ/141

Angela Foster

From:	Jane Thompson <Jane.Thompson@colchester.gov.uk>
Sent:	11 May 2017 13:27
To:	TRANSPORTANDWORKSACT
Cc:	Mount Bures Parish Clerk - Helen Cook; Michael Lilley; Paul Wilkinson; Wakes Colne Parish Clerk - Mrs D Jacob; Peter Chillingworth; Wivenhoe Town Council Clerk - Ms A Stinson; Cyril Liddy; Garry White; Alan Lindsay, Transport Strategy & Engagement Manager
Subject:	Network Rail Anglia Level Crossing Reductions TWA Order
Attachments:	LCR TWA PfH report 020517.docx; LCR WTA PH report App 020517.doc

Dear Sir or Madam

Please find attached the formal response from Colchester Borough Council.

Thank you for the opportunity to comment on the proposals and I look forward to hearing your response to our concerns.

Jane Thompson
Commercial Services
Colchester Borough Council
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Portfolio Holder for Safer Communities and Licensing

Item

2 May 2017

Report of	Head of Commercial Services	Author	Jane Thompson ☎ 508642
Title	Representation to Network Rail (Essex and Others Level Crossing Reduction) Order - Transport and Works Act		
Wards affected	Wivenhoe, Marks Tey and Layer, Lexden and Braiswick and Rural North		

This report concerns the proposals contained in the Transport and Works Act Order submitted by Network Rail on their plans to reduce the number of level crossings in the Anglia region.

1. Decision(s) Required

1.1 To formally respond to the Transport and Works Act on Network Rail's proposals to close level crossings.

2. Reasons for Decision(s)

2.1 To influence the Transport and Works Act on Network Rail's plans to reduce the number of level crossings in the borough.

3. Alternative Options

3.1 Not to respond to the consultation would mean losing the opportunity to influence Transport and Works Act and the decision making process. CBC responded to the Options consultation in October 2016.

4. Supporting Information

4.1 Network Rail (NR) is working to better manage their level crossings and the risks they pose. They have developed proposals for the possible closure or changes to the public rights of way across their network. They state closing or modifying evel crossings can help bring about the following benefits –

- improve the safety for level crossing users
- deliver a more efficient and reliable railway, which is vital in supporting the regional and UK economy
- reducing the ongoing operating and maintenance cost of the railway
- reduce delay to trains, pedestrians and other highway users
- improve journey time reliability for railways, highway and other rights of way users.

4.2 Colchester Borough Council (CBC) appreciates that Network Rail has a duty to operate a safe reliable railway to reduce the risk of accidents to the public and those using the railway. CBC is also aware that incidents at level crossings is a highly emotive subject and that Network Rail has been heavily fined for the lack of action at crossings following

an incident.

4.3 CBC further recognises that there is an increasing demand on the rail network to continue to operate reliably, provide more capacity as the area grows and provide faster trains, especially on the main line, so that the region remains competitive especially for economic growth.

4.4 Public rights of way historically provide direct traffic free routes for those on foot, by bike or horse. In the rural areas crossings form part of the public right of way network, giving access to the countryside which is a priority for many communities, they support local leisure and can encourage tourism in these areas. In urban areas the crossing points provide important short links, provide permeability and follow desire lines to connect communities. A balance needs to be struck between the railway need and needs of the community

5. Proposals

5.1 The Council welcomes the opportunity to comment on Transport and Works Act and has studied the proposals that relate to Colchester Borough. CBC has different positions on the various proposals which are set out below. Detailed comments on each crossing and our requirements are set out in the appendix which is attached to this report.

5.2 It is proposed that this report and appendix will be submitted to the Secretary of State for Transport.

5.3 It is proposed that **no objection** be raised to the closure of the following crossings:

- E22 Great Domsey, Feering – see comments below
- E23 Long Green Marks Tey
- E24 Church 1 Marks Tey
- E25 Church 2 Marks Tey

Suitable alternative crossing facilities are proposed or have already been provided for those crossing the Great Eastern mainline. The Council understands that closing these crossings can mean faster train services to support growth.

The area around E21 (Hill House) and E22 is subject to potential major garden community development, as identified in the draft Local Plan. Therefore we would wish to see the Public Right of Way leading to the crossings E21 Hill House and E22 retained to protect any future development plans.

5.4 The Council **formally object** to the closures of the following crossings -

- E51 Thornfield, Wakes Colne
- E52 Golden Square, Mount Bures

These crossings are on the Sudbury/Marks Tey branch line where two trains pass the crossings in one hour. Network Rail have not demonstrated specific safety issues to warrant their closure, and some diversions require the use of roads and require investment

to create new routes. The All Level Crossing Risk Model (ALCRM) system rates these crossings as D11 and D10, where the 'collective risk' is assessed as being low. The Council consider that the risk to the crossing user is now being transferred to the highway network.

A scheme of archaeological investigation may be required in regard to any groundworks required as outlined in the appendix.

CBC are concerned that the works will result in the loss of numerous trees, and will require a tree survey to be carried out as per the appendix.

• E41 Paget Road Wivenhoe

The Transport and Works Act Order document state 'widening of some of the existing footway on the High Street over the bridge in proposed'. CBC seek certainty of the delivery of an acceptable solution in the High Street.

The Council submitted to Network Rail's consultants a proposal to improve the footway in the High Street.

To close the Paget Road crossing would increase pressure on the already inadequate High Street rail bridge crossing and the unadopted Anglesea Road rail bridge. The High Street bridge has narrow footway on its eastern side (40cm at one point with an average width of 70cm) with buses swinging over the footway. The accepted standard for a footway is 1.8 metres.
However NR state that a road safety audit has been carried out and this has not highlighted any issues.

The crossing forms one of three crossing points in Wivenhoe town, allowing access from upper and lower Wivenhoe. The ALCRM system rates this crossing as C4 where the collective risk is assessed as being high, Network Rail has not demonstrated specific safety issues and the NR web site shows no accidents, misuse or near misses have been recorded.

NR's proposed mitigation measures including a new route from Paget Road to High Street via Phillip Road (where pedestrians will still have to cross the inadequate High Street bridge) and a handrail and bench on Queens Road between Paget Road and Anglesea Road. Colchester Borough Council does not see the benefits of all these measures.

- E42 Sandpit, Alresford

The Borough Council supports the position of Essex County Council and Wivenhoe Town Council to object to the closure. Whilst the crossing is just outside Colchester Borough Council's area, we are concerned about pedestrians being diverted onto a busy and fast road and narrow rail bridge with no footways where the risk of accident appears to be moved to the highway network.

5.5 The Council **do not object** to the closures of the following crossing (with condition)

- E57 Wivenhoe Park

It is proposed to close the route to motor vehicles while leaving access for pedestrians and improving access for cyclists. However it is proposed to divert the farmer's vehicular access to access the fields via CBC owned land. The Council's position on the closure of this crossing to vehicles is subject to the successful negotiations being completed as outlined in the appendix.

Also a scheme of archaeological investigation may be required in regard to any groundworks required as outlined in the appendix.

6. Strategic Plan References

6.1 This response aligns with the Borough's Strategic plan and the ambition to be:
Thriving – attracting businesses and selling Colchester as a destination
Welcoming – a place where people can grow and be proud to live.

7. Consultation

7.1 Network Rail held a consultation in June 2016 where stakeholders and residents were invited to make representations on the options for closing level crossings. The second consultation, in October 2016 on the preferred options, was open to stakeholders and residents. Colchester Borough Council responded to both consultation.

7.2 The views of the Local Ward Councillors and Parish/Town Council have been sought and their views have been considered in preparing this report.

7.3 In preparing this response the Council have referred to the comprehensive response from Wivenhoe Town Council, comments from Mount Bures and Wakes Colne Parish Council, and liaised with Essex County Council.

8. Standard References

8.1 There are no particular references to the publicity or financial implications or equality, diversity and human rights or risk management implications.

9. Health and Safety Considerations

9.1 There is no direct health and safety implication in responding to this consultation however Network Rail carry out Health and Safety assessments as part of their crossing assessment and design process. Essex County Council have undertaken Road Safety Audits on certain crossing proposals

Background Papers

Appendix – Colchester Borough Council's detailed comments on the crossing proposals
Anglia Level Crossing Reduction can be found at -
http://www.networkrail.co.uk/anglialevelcrossings/
Portfolio Holder Report – Anglia Rail Crossing Reduction Strategy Informal Consultation October 2016

Letter to Network Rail from CBC Transportation Policy manager 14 July 2016
Wakes Colne Parish Council comments April 2017
Mount Bures Parish Council comments April 2017
Wivenhoe Town Council comments April 2017

Appendix

Network rail Anglia Level Crossing Reductions – Transport and Works Act Order

Colchester Borough Council's
Detailed comments on Network Rail's proposals

The Main Line – London to Norwich

The Borough has supported "Once in a Generation – a Rail Prospectus for East Anglia" which sets out a number of the improvements to the Great Eastern mainline to facilitate growth of the area and region. To meet the growth increased capacity and faster trains are required, and to ensure that a safe reliable railway is required to deliver improvements to support growth. On the main line Colchester understands the need for crossing closures.

- **E22 Great Domsey, Feering** – no objection to closure

The area around E21 (Hill House) and E22 is subject to potential major garden community development – Colchester Braintree Borders, as identified in the draft Local Plan. Therefore we would wish to see the existing Public Right of Way leading to the crossings on both sides of the line to E21 and E22 retained to protect any future development plans.

- **E23 Long Green Marks Tey** – no objection to closure

The crossing has been replaced recently with a bridge. However we note that the design of the bridge used here is very functional and its form is very intrusive on the local environment. It is suggested that Network Rail seek an improved design for future structures used elsewhere.

- **E24 Church 1 Marks Tey** – no objection to closure

The crossing closed in 1989. The alternative route is via the new bridge 300m to the west.

- **E25 Church 2 Copford/Marks Tey** –no objection to closure

The crossing is currently closed. The footpath which serves it has already been severed by the construction of the A12. An alternative route is already in place, however an additional route linking the footpath via Turkey Cock Lane is proposed.

The Gainsborough Line – Sudbury to Marks Tey branch line

This is a single track with only one train per hour in each direction. Due to the rural nature and low volumes of people crossing, there appeared to be little point in closing these crossing and providing costly diversionary routes.

The All Level Crossing Risk Model (ALCRM) system rates these crossings as D11 and D10, where the 'collective risk' is assessed as being low. The Council consider that the risk to the crossing user is now being transferred to the highway network.

It would be essential to compare the risk of a footpath that crosses several fields and a railway line that has two trains an hour on it, with that for a re-routed footpath along narrow country lanes which have regular motor vehicles travelling along it. Network Rail have stated that the risk to crossing users can increase due to the low number of trains passing on this line, with walkers 'not expecting to see a train'. We cannot agree with this as the walker must be very aware that they are crossing a rail line through the signing, gates and physical appearance of tracks.

The crossings are part of a very long established Public Right of Way system in the parish of Wakes Colne. E51, Thornfield Wood features on the Fair Maid Walk, one of 3 self-guided walks known as the Colne Valley Trails. These are described in published leaflets available from various local outlets.

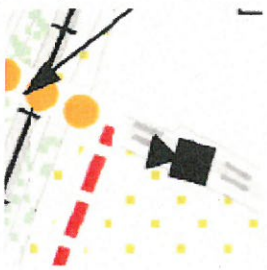
Recently Essex County Council funded works close to the E51crossing, and local voluntary labour occasionally maintains elements of the route at this point.

- **E51 Thornfield Wakes Colne** – object to closure

Closing this crossing would mean walkers having to use a busy rural road between Bures and Wormingford. The proposed alternative route would add 950m to the existing route, across farm land.

Network Rail calculate the risk to be 'low' due to number of users, low number of trains and no reported incidents. A study showed on average on a week day there were 4 users per day, and 2 users on a weekend day. The risk could be seen as being transferred to the highway due to the proposal includes walkers using approximately 100m of 60mph road which has no footway, has a blind bend and a hump back bridge. The ECC road safety audit does not support closure of the crossing.

Landscape Comments
The CBC landscape officer has visited the site and has concerns relating to the sites and an assessment has been made on the proposal to remove hedgerows. These are protected under the Hedgerows Regulations 1997 and have been classified as important therefore there is a requirement to retain the hedgerows



If the crossing is closed, it is recommended that to overcome this issue the access point be move 20m or so east from the bridge where the protected hedge is more 'gappy' with a number of gaps over 2m wide which, if it is specifically specified that one of these gaps is

to be used, would allow for an access point to be implemented without requiring any actual removal of the important hedgerow.

- **E52 – Golden Square Mount Bures** – object to closure

Closing this crossing would mean walkers having to traverse a lengthy farmer's field and then return on a narrow country lane, used extensively by vehicles from a local livery business. The proposal adds 1800m to the existing route.

Network Rail calculate the risk to be 'low' due to number of users, low number of trains and no reported incidents. A study showed on average on a week day there were 4 users per day, and no users on a weekend day. The risk could be seen as being transferred to the highway due to the proposal includes walkers using approximately 1000m of 60mph road which has no footway. The ECC road safety audit does not support closure of the crossing.

Network Rail assessed the risk as average with a key risk being one incident of deliberate misuse. A study showed 1 user per day on a week day and no users on a weekend day.

Landscape Comments
The CBC landscape officer has visited the site and raised concerns relating to the site and an assessment has been made on the proposal to remove hedgerows. These are protected under the Hedgerows Regulations 1997 and have been classified as important therefore there is a requirement to retain the hedgerows.



If the crossing is closed, it is recommended that to overcome this issue, the breach point be move 70m or so west where there is naturally occurring 10m or so wide gap in the hedge.

<u>Sunshine Coast Line – Colchester to Clacton branch line</u>

- **E 41 Paget Road** – object to closure

This crossing is used by a large number of local residents of Wivenhoe. The alternative to the Paget Road crossing is Anglesea Road and High Street bridges.

Anglesea Road is an unmade unadopted road and Queens Road has an incline leading to Anglesea Road. The crossing allows people to avoid the incline. An alternative crossing point is via the High Street bridge. This has a footway of 40cm at one point with an average width of 70cm along its eastern side and is adjacent to a junction where buses swing over that footway, whilst manoeuvring.

The Paget Road crossing is some 300 metres from Wivenhoe Station, and trains currently travel through this crossing at 15mph (Colchester direction) and 25mph (Clacton direction).

Closing this crossing will allow trains to travel faster, although only benefiting total journey time marginally as all trains slow down and speed up to enter and leave the station.

Network Rail calculate the accident risk at this crossing as 'high risk' (C4) due to the sightlines, number of trains at this point and the number of people crossing here.

Network Rail propose to close the crossing and possibly introduce the following measures -

- A new path running from Paget Road north side to High Street via Philip Road. This will mean those wishing to cross the rail line will have to negotiate a level difference and the existing narrow footway on the rail bridge.
- Access via Anglesea Road, with a handrail provided to assist users along Queens Road. However this will need careful consideration due to urban design issues, space, access to parked cars etc. It is also proposed to install a seat in the paved area of Queens Road.
- widening of some of the existing footway on High Street over bridge is proposed

Colchester Borough Council does not see the benefits of the first two measures and seeks greater certainty on the statement "widening of some of the existing footway on High Street over bridge is proposed".

- **E42 Sandpit, Alresford** – CBC supports the position of Essex County Council and Wivenhoe Town Council to object to closure

Although this crossing is located within Tendring District Council the public right of way network links back into Wivenhoe within Colchester. In support of ECC and the WTC position the closure of the crossing appears to move the risk of an accident to highway network, especially at the narrow bridge (in Colchester Borough) with no pavements or refuges. The ECC road safety audit does not support closure of the crossing.

- **E57 Wivenhoe Park** – retain a crossing facility for walkers and cyclists

This crossing is regularly used by walkers and cyclists, especially those traveling from lower Wivenhoe to the University. The proposal is to remove the landowner's rights to cross with vehicles, meaning locking or replacing the gates with fencing.

Network Rail calculate the risk of accident at this crossing as high (C4 and B4) due to the vehicle gates being left open, short sighting times, large number of users, frequent trains and sun glare.

Pedestrians will still be allowed to cross over a stile. Cyclists currently have permissive rights on the west side of the crossing, joining the riverside path, and on the east side a path provided by the University allowing walkers and cyclists access to the main campus entrance. Network Rail propose to introduce "pedestrian and cycle friendly gate" gates to allow cycle access while ensuring that cyclists dismount and wheel their bikes.

A "pedestrian and cycle friendly gate" is proposed to allow cyclist better access across the line and this is due to be installed soon. It is assumed that a proper provision for cyclists will mean less need for the gates to be left open, therefore reducing the risk at this crossing.

Access Rights

Network Rail is applying to the Secretary of State for Transport for an order under The Transport and Works Act 1992 (sections 1 & 5) to compulsory purchase any new rights required over land which cannot be agreed by negotiation.

Network Rail's preferred option is to extinguish private user rights and remove vehicular crossing provision, if a suitable alternative can be found. If no alternative can be found, this element will be removed from the project, but still allowing improvements to the cycle crossing provision.

The consultation states an alternative vehicular route for the landowner could be via A133 and into Lightship Way to join the Wivenhoe Trail (EX 127/130 and NCN51). The land needed to give this vehicular access also includes land owned by Colchester Borough Council and others, for which there are no vehicular access rights.

We do not object to the closure of the Wivenhoe Park crossing subject to satisfactory negotiations being had for an alternative right of access across CBC's land to include consideration, restrictions on the frequency and the purpose of intended access, a limitation on the size and type of vehicles used in order to minimize damage over the land, path and sluice and the provision of indemnities against damage to CBC's property and third parties.

Archaeological assessment

Requirements from Colchester Borough Council for Archaeological assessment:

Any groundworks required in the adjacent field (e.g. for a site compound), to the east of the level crossing, will require a scheme of archaeological investigation to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed (in accordance with para. 141 of the NPPF).

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:
a. The programme and methodology of site investigation and recording.
b. The programme for post investigation assessment.
c. Provision to be made for analysis of the site investigation and recording.
d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
e. Provision to be made for archive deposition of the analysis and records of the site investigation.
f. Nomination of a competent person or persons/organisation to undertake the works.
The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post

investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

On request, a brief will be provided for each stage of the archaeological investigation.

Comments applicable to all proposed crossing closures

Arboricultural Officers Comments

CBC are concerned that that the proposed works will result in the loss of numerous trees and that some of these would be high quality thus resulting in loss of amenity. To make a better assessment of what the impacts would be and whether this is acceptable we would expect a tree survey and implication assessment to be provided for our prior approval.

Archaeology Officers Comments

Any groundworks required in the adjacent fields on both sides of the railway (e.g. for the construction of the new footpaths and for site compounds), will require a scheme of archaeological investigation to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed (in accordance with para. 141 of the NPPF).

The Council advise:

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:
a. The programme and methodology of site investigation and recording.
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Landscape Comments
The CBC landscape officer has visited the site and has concerns relating to the sites and an assessment has been made on the proposal to remove hedgerows. These are protected under the Hedgerows Regulations 1997 and have been classified as important therefore there is a requirement to retain the hedgerows



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This crossing is regularly used by walkers and cyclists, especially those traveling from lower Wivenhoe to the University. The proposal is to remove the landowner's rights to cross with vehicles, meaning locking or replacing the gates with fencing.

Network Rail calculate the risk of accident at this crossing as high (C4 and B4) due to the vehicle gates being left open, short sighting times, large number of users, frequent trains and sun glare.

Pedestrians will still be allowed to cross over a stile. Cyclists currently have permissive rights on the west side of the crossing, joining the riverside path, and on the east side a path provided by the University allowing walkers and cyclists access to the main campus entrance. Network Rail propose to introduce "pedestrian and cycle friendly gate" gates to allow cycle access while ensuring that cyclists dismount and wheel their bikes.

A "pedestrian and cycle friendly gate" is proposed to allow cyclist better access across the line and this is due to be installed soon. It is assumed that a proper provision for cyclists will mean less need for the gates to be left open, therefore reducing the risk at this crossing.

Access Rights

Network Rail is applying to the Secretary of State for Transport for an order under The Transport and Works Act 1992 (sections 1 & 5) to compulsory purchase any new rights required over land which cannot be agreed by negotiation.

Network Rail's preferred option is to extinguish private user rights and remove vehicular crossing provision, if a suitable alternative can be found. If no alternative can be found, this element will be removed from the project, but still allowing improvements to the cycle crossing provision.

The consultation states an alternative vehicular route for the landowner could be via A133 and into Lightship Way to join the Wivenhoe Trail (EX 127/130 and NCN51). The land needed to give this vehicular access also includes land owned by Colchester Borough Council and others, for which there are no vehicular access rights.

We do not object to the closure of the Wivenhoe Park crossing subject to satisfactory negotiations being had for an alternative right of access across CBC's land to include consideration, restrictions on the frequency and the purpose of intended access, a limitation on the size and type of vehicles used in order to minimize damage over the land, path and sluice and the provision of indemnities against damage to CBC's property and third parties.

Archaeological assessment

Requirements from Colchester Borough Council for Archaeological assessment:

Any groundworks required in the adjacent field (e.g. for a site compound), to the east of the level crossing, will require a scheme of archaeological investigation to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed (in accordance with para. 141 of the NPPF).

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:
a. The programme and methodology of site investigation and recording.
b. The programme for post investigation assessment.
c. Provision to be made for analysis of the site investigation and recording.
d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
e. Provision to be made for archive deposition of the analysis and records of the site investigation.
f. Nomination of a competent person or persons/organisation to undertake the works.
The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post

investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

On request, a brief will be provided for each stage of the archaeological investigation.

Comments applicable to all proposed crossing closures

Arboricultural Officers Comments

CBC are concerned that that the proposed works will result in the loss of numerous trees and that some of these would be high quality thus resulting in loss of amenity. To make a better assessment of what the impacts would be and whether this is acceptable we would expect a tree survey and implication assessment to be provided for our prior approval.

Archaeology Officers Comments

Any groundworks required in the adjacent fields on both sides of the railway (e.g. for the construction of the new footpaths and for site compounds), will require a scheme of archaeological investigation to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed (in accordance with para. 141 of the NPPF).

The Council advise:

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:
a. The programme and methodology of site investigation and recording.
b. The programme for post investigation assessment.
c. Provision to be made for analysis of the site investigation and recording.
d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
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investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

A brief can be provided on request for each stage of the archaeological investigation.