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**ramblers**

at the heart of walking

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11 May 2017

Dear Secretary of State

**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**

**REPRESENTATIONS AND OBJECTIONS BY THE RAMBLERS**

1. This letter contains representations about, and objections by, the Ramblers' Association ('the Ramblers') to the Proposed Network Rail (Essex and Others Level Crossing Reduction) Order, as lately proposed to be made, details of which were served on us by letter dated 31 March 2017.
2. In this letter—  
'TWA' means the Transport and Works Act 1992;  
'NR' means Network Rail.

**The Ramblers**

3. The Ramblers is a registered charity and company limited by guarantee, founded as a voluntary body in 1935. Its objects are to promote the health, recreation and environmental benefits of walking, especially by protecting and extending the network of public paths and access in town and countryside, and safeguarding the countryside and open spaces so that walkers can enjoy their tranquillity and beauty. We have about 105,000 members throughout England, Wales and Scotland. Our Essex Area (which includes the London Boroughs) has about 4,500 members, our Hertfordshire Area about 3,000 members.

4. Our goal of promoting walking extends to walking for the purposes of everyday transport, not just for recreational purposes, though often the two will overlap. Encouraging people to walk for short routine journeys, including walking to reach public transport links, benefits the environment by keeping cars off the roads, and individuals and the nation by keeping people fitter. Direct off-road paths encourage more people to walk, providing the incentives of convenience and the delight of not walking against road traffic, with its attendant noise and fumes and potential danger.
5. So, good walking infrastructure is important. Hence our ambition to ensure that everywhere there are paths which encourage people to walk, that the right infrastructure is in place, and that resources are provided so that everyone can enjoy the outdoors on foot.

### **Health and economic benefits of walking, and the need to encourage people to walk**

6. Walking benefits those who walk. There is increasingly strong evidence of the health-benefits of walking. For example: the fact that brisk walking improves circulation and the performance of the heart and lungs. Walking can lower blood-pressure;<sup>1</sup> it can reduce risk of stroke,<sup>2</sup> and of heart disease,<sup>3</sup> the UK's biggest killer. It can improve control of blood sugar in type-two diabetes;<sup>4</sup> it has an important role in cardiac rehabilitation.<sup>5</sup> And walking promotes mental health and well-being, and improves self-perception and self-esteem and mood; it has the potential to be as effective as anti-depressants or psychotherapy in treating depression.<sup>6</sup> Widespread take-up could massively lighten the economic burden caused by physical inactivity (in 2009 each Primary Care Trust spent an average of £5m on dealing with its consequences<sup>7</sup>).
7. There are economic benefits as well. We refer to the 6.14 billion pounds which walkers spend annually in the English countryside, the income in excess of 2 billion pounds which they generate, and the 245,000 full-time jobs which they support.<sup>8</sup> Walking tourism in rural and coastal Wales is estimated to contribute over £550million to the economy.<sup>9</sup>
8. So, an increase in walking in the country can reduce the nation's health-bill and boost the rural economy.

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<sup>1</sup> Department of Health, *At least five a week: evidence on the impact of physical activity and its relationship to health—a report from the Chief Medical Officer*, 2004.

<sup>2</sup> Wen and Wu, 'Stressing harms of physical inactivity to promote exercise', *The Lancet* 2012 380 192–193.

<sup>3</sup> Department of Health, *Start active, stay active: a report on physical activity from the four home countries' Chief Medical Officers*, 2011.

<sup>4</sup> Foresight, *Tackling obesity: future choices*, Government Office for Science.

<sup>5</sup> Department of Health, *Coronary heart disease, NHS framework—modern standards and service models*, 2000.

<sup>6</sup> E McAuley *et al*, 'Physical activity, self-efficacy and self-esteem: longitudinal relationships in older adults', *Journals of Gerontology Series B* 60(5) 268–275.

<sup>7</sup> HM Government, *Be active, be healthy—a plan for getting the nation moving*, 2009.

<sup>8</sup> M Christie and J Matthews, *The economic and social value of walking in rural England*, report for the Ramblers' Association, 2003.

<sup>9</sup> Wales Tourist Board, 2005.

9. There is therefore a need for a path network which encourages the activity: a network which connects people with their communities and their local amenities, with their history and with the wider natural environment.
10. The present proposed closures of level crossings look set to deliver a heavy hammer-blow to these aspirations. They stand in places to sever the network and provide unacceptable alternatives. The Ramblers urge that the Secretary of State bear in mind the potential effects of the closure of the level crossings to whose extinguishment or diversion we object below, especially where walking along dangerous or inconvenient ordinary roads is the alternative, or where an alternative off-road link is nonetheless an unacceptably (and off-putting) long diversion. On narrow roads drivers have to stop to allow oncoming vehicles to pass the pedestrian, since there is no passing room for vehicles and pedestrians. Some motorists seem to resent it, and walkers do not like having to cause the motorists this type of inconvenience. For safety, social and logistical reasons it is not uncommon to have up to 40 people attend organised walks. Under these conditions diversions which include road walking and crossing become ever more problematic and dangerous. All this puts stress, as well as fear, on the walker, and making people walk on roads with no footway where at present they need not do so will rarely be acceptable. All of these factors are a disincentive to walking and militate against its benign effects.

### **Legal considerations**

11. The order would be made under sections 1 and 5 of the TWA. Subsection (6) of section 5 provides that '[a]n order under section 1 or 3 ... shall not extinguish any public right of way over land unless the Secretary of State is satisfied—(a) that an alternative right of way has been or will be provided, or (b) that the provision of an alternative right of way is not required.'
12. We ask the Secretary of State, in assessing whether any alternative is required or whether any alternative to be provided is in fact adequate, to take into account what we say here about 'Legal considerations', and below under 'Government guidance'.
13. The statute does not appear to require the Secretary of State to decide on the adequacy of any alternative route, merely that where necessary one has been provided; and there appears to be little in the way of case law on this point. However, the Ramblers invites the Secretary of State to take into account two cases which deal with the closure of rights of way under section 209 of the Town and Country Planning Act 1971, the predecessor section to section 247 of the Town and Country Planning Act 1990. We submit that by analogy with these leading cases, the Secretary of State should take into account the general suitability and adequacy of any replacement path, and not make an order where the provision is unsuitable or inadequate. The planning legislation on the face of the statute in the cases we mention below empowers the Secretary of State to make an order purely on being satisfied that the stopping up or diversion is necessary to enable the development to be carried out in accordance with planning permission, without consideration of any effect on persons affected by the closures or diversions.



14. However, in *K C Holdings (Rhyl) Ltd v Secretary of State for Wales and Colwyn Borough Council* (1990)<sup>10</sup> it was held that the Secretary of State had discretion to consider the merits and demerits of the proposed closure of a footpath in relation to the particular facts that obtain. The judge (Sir Graham Eyre QC) rejected the argument that once the Secretary of State was satisfied that the development could be carried out only if the extinguishment was effected, the Secretary of State was obliged to make the order.
15. And in *Vasiliou v Secretary of State for Transport* (1990)<sup>11</sup> the Court of Appeal ruled that the Secretary of State had to take into account the effect that an order would have on the rights which would be extinguished. An important relevant factor was that the legislation contained no provision for compensating persons so affected.
16. There is no case-law directly applicable to the limitation in TWA section 5(6) on the Secretary of State's powers, but we draw the Secretary of State's attention to some useful guidance in a couple of cases to do with this same principle. They apply to the section 116 of the Highways Act 1980, and may not be binding on the Secretary of State in the present matter, and we make no extravagant claims as to their force, but we submit that by analogy the decision-makers in the present matter may find the cases of use.
17. In *Ramblers' Association v Kent County Council* (1990),<sup>12</sup> it was held that the magistrates, determining an application to extinguish a public right of way under section 116 of the Highways Act 1980, would need to bear in mind that the way had to be unnecessary for the public; the convenience of the landowner was not a relevant factor. Lord Justice Woolf (as he then was) said that where there was evidence of use, it would be difficult for the magistrates properly to come to the conclusion that a way was unnecessary unless the public were, or were going to be, provided with a reasonably suitable alternative way. Woolf LJ further held that when deciding whether an alternative way was reasonable, the magistrates had to be satisfied that the alternative way was suitable, or reasonably suitable, *for the purpose for which the public were using the existing way*. For the general guidance of magistrates in future cases, Woolf LJ made the following points—

... First of all I consider the magistrates, in deciding whether a highway is unnecessary, should bear in mind the question for whom the highway is unnecessary. It is to be unnecessary to the public. It is the public who have the right to travel up and down the way in question, and it is the public with whom the magistrates should be concerned because the right is vested in them....

Then the justices might ask themselves ... the question for what purpose the way should be unnecessary.... So far as that is concerned, it should be unnecessary for the sort of purposes for which the justices would reasonably expect the public to use that particular way. Sometimes they will be using it primarily to get to a particular destination. Another reason for using a way of this sort can be for recreational purposes.

In my view, where there is evidence of use of a way, *prima facie*, at any rate, it will be difficult for justices properly to come to the conclusion that a way is unnecessary unless the public are ... going to be provided with a reasonably suitable alternative way.... It must be suitable, or reasonably suitable, *for the purpose for which the public were using the existing way*.

If it is a way which has similar characteristics as the existing way, then certainly the justices can find that the existing way is unnecessary, albeit that the justices must also bear in mind that the

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<sup>10</sup> [1990] JPL 353.

<sup>11</sup> [1991] 2 All ER 77.

<sup>12</sup> (1990) 154 JP 716, [1990] COD 327



result of the loss of way could be to render the other ways which are available more crowded than they are at present. If a way is being used primarily by the public for recreational purposes, that is a consideration which the justices are perfectly entitled to take into account and, in my view, should take into account in deciding whether the way is unnecessary.

18. Mr Justice Pill (as he then was) added that it was not open to the magistrates to decide that a way was unnecessary because they held the view that it was in the public interest that the highway should be closed.

### Government guidance

19. The Ramblers has misgivings about the use of the TWA for these purposes. In a publication called *A guide to TWA procedures* by the Transport and Works Act Unit at the Department for Transport, there appears this advice:—

[On page 16] The following matters are unlikely to be approved in TWA orders on policy grounds, unless compelling reasons can be shown:

...

proposals which could more properly be dealt with under other existing statutory procedures—for example the closure of an inland waterway or public right of way where no associated new works requiring a TWA order are proposed.

[And on page 105] The power to extinguish a public right of way is however restricted by section 5(6). This provides that a section 1 or 3 order shall not extinguish a public right of way over land unless the Secretary of State is satisfied that an alternative right of way has been or will be provided, or that one is not required. If an alternative is to be provided, the Secretary of State would wish to be satisfied that it will be a convenient and suitable replacement for existing users.

20. There are no associated new works requiring a Transport and Works Act order in this programme, and we have seen no compelling reasons that any level crossing closures desired by NR could not be dealt with by orders made under sections 118A and 119A of the Highways Act 1980 which were specifically inserted into the Highways Act 1980 by the 1992 Act because the government at the time was sufficiently persuaded of the need for special powers to divert or close public paths crossing railways on the level.

### General principles which the Ramblers say should apply to all the proposals to divert public rights of way

21. The Ramblers submits that all new public rights of way must be adopted by the highway authority for maintenance purposes, and that the highway authority is suitably recompensed by NR for additional costs incurred in, for example, grass cutting, management of over-growth, maintenance of steps, repair of fences, or other maintenance costs, by way of commuted sum payments. Diversions involving underpasses or bridges alongside watercourses are acceptable only where risk of flooding is very infrequent. In developing alternative routes NR should follow the principles set out in the Essex County Council document “Development and Public Rights of Way”<sup>13</sup>

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<sup>13</sup> ‘Development and Public Rights of Way: Advice note for developers and development managers’ produced by the Essex Planning Officers Association, 2010

22. All new rights of way should be shown on the definitive map and statement. (It does not appear from the documentation that this will be so.)
23. In no case should an alternative route include stiles or other impediments to use by people with mobility problems.
24. Any new field-edge paths in urban or village environs should have permanent firm grass surfaces.

### **Concerns on the part of the Ramblers, about the present procedures and proceedings**

25. Our local volunteers have found difficulties in obtaining easily understood information about each proposal contained in the draft Order. This was a contrast with the information which was made available at the pre-application consultative meetings. That information was clear, and had back-up data too.
26. The information available with the draft Order is less clear. This may not be an issue where a proposal in the draft Order has (apparently) not changed since the pre-application consultation. But if a proposal has altered since the consultative meeting, it can be difficult to find similar information or detail in the actual draft Order or accompanying documentation.
27. Moreover, there is no system for flagging to interested people that there has been a change in a proposal in the draft Order from what they understood the proposal to be at the last consultation.
28. Ramblers' local volunteers have been working with these proposals for many months, and to an extent have become well-practised at obtaining and understanding the detail. But for members of the public we doubt it would be easy at all. The files on the internet are not easy to negotiate, and are probably not accessible at all for anybody unused to using the internet and downloading documents. There is a possibility that many people will not find out about the proposals, or for whom obtaining detail seems like an insurmountable problem, who would genuinely have come forward as objectors but who could not obtain necessary information. Nowhere on the NR website is there help with this; neither is there offered any simple means of recording an objection.
30. Ramblers' volunteers, who are all familiar in general with maps, agreed that they found it difficult to ascertain from the Order-plans what the precise intention was, with many of the proposals. Those problems were compounded by the lack of contour lines on the plans which made it difficult to ascertain height changes, an issue of importance to pedestrians. We think it must have been even more difficult for a member of the public with no particular skills in reading maps or drawings.
31. The result is that the process is far more difficult to engage in than the process would be for a diversion under, for example, section 119 of the Highways Act 1980. That would involve a single local advertisement in the local press, and a notice and map displayed on site. There would be in the notice a description of the existing and the proposed route,

and a map showing them: all relatively simple. The proposals in the present draft orders are nothing like as obvious, or as simple to understand.

33. The Ramblers believes then that the present procedure may have deterred all but the most committed.
34. It is in our view well arguable that there should be a public inquiry (with much publicity) in every case, to allow any who have been unaware of the proposals, or at any rate of their full detail, or who have found difficulty obtaining enough information on which to base an objection, to be heard or to submit representations of their own.

### **Objections by the Ramblers to specific closures or diversions**

35. Where below we have objected to a closure or diversion, we reserve the right to expand upon the objection or amplify it.

#### DIVERSIONS IN PART 1 OF SCHEDULE 2 (i.e., WHERE NEW ROUTE TO BE PROVIDED)

##### District of Harlow, proposals at Camps Crossing (EO2)

36. The Ramblers objects to these proposals. The crossing gives clear views in both directions. It is also a crossing for farm vehicles. It should be retained.
37. The two alternative proposed diversions for footpath users, around the closed part of Harlow Footpath 75, one to the east and one to the west, are both approximately 2 kilometres in length.
38. The diversion to the west requires the establishment of a new path between Footpath 75 and Footpath 78. This will require permissions to be given and the creation of rights of way through three substantial field hedges.
39. The diversion to the left is along existing footpaths—Footpath 74 and Footpath 181—but adds approximately 1.5 kilometres to the walk. Camps Crossing, we understand, will remain a private crossing. We see no reason why the footpath at this particular crossing should not remain open for the public. The required infrastructure is already in place at this point.
40. The retention of EO3 Sadlers Crossing approximately 0.8 kilometres to the east should not be a factor in the proposed closure of EO2 Camps as the footpath at EO2 is in the north-west direction leading to Mead Lock at Hunsdon Mill, and the footpath at EO3 Sadlers is in the north-east direction leading to a point 1 kilometre from Parndon Lock at a point where it is proposed to close a footpath at EO4.

##### District of Harlow, Footpaths at Parndon Mill Crossing (EO4)



41. The Ramblers objects to the proposals. We note that the crossing appears to have been closed, seemingly without authority, for some time. This may have put people out of the habit of using it, and brought fewer objections in consequence.
42. Parndon Mill is a popular local spot, and traffic can be heavy at weekends. A safe route and a safe crossing is needed in the vicinity of Parndon Mill at the eastern end of Harlow Public Right of Way 73, so that people's enjoyment of the Mill and the nearby open access land is maintained.
43. The alternative route proposed is not acceptable. It is a lengthy detour to get to Parndon Mill on it, removing the sense of direct purpose from the walk. The diversion is a somewhat unnatural 'dog-leg'. First it goes along an unattractive stretch of busy road, the A1169, Elizabeth Way, with fast-moving vehicles, and no sense of tranquillity. It then goes on to Parndon Mill Lane, which is narrow with no white line. The lane is industrial, and of industrial aspect, in part, so there is loss of amenity. Moreover, there is no footway on it, and seemingly no room for building one, and there are no walkable verges. Of especial concern, which we mention without prejudice to the generality of those points, is Parndon Mill Lane's own crossing of the railway, which constitutes a danger to road users, especially to pedestrians. It is a narrow road bridge (of singularly unattractive construction), with no provision for pedestrians, it being too narrow for footway or verge. Worse, it has a blind bend to the north, making an exceptionally high safety risk with this potential for vehicle-pedestrian conflict. The final stretch of Parndon Mill Lane, i.e. approaching the Mill, would be more acceptable if it could be given an off-road field-edge route for walkers, but this would not offset the dangers mentioned already.
44. The Ramblers believes it would be much safer to extend Footpath 73 to the south-east, initially around or through Ram Gorse, and then inside the northern edge of the sports field to Parndon Lane, assuming this is possible within the proposed housing development. This is the route walkers currently take since the crossing appears to have been obstructed, and a vehicle park built across the north-east part of Footpath 73. This would avoid virtually all associated highway dangers.

#### Footpath 022, parish of Thorley at Pattens Crossing (Ho5)

45. The Ramblers objects to this level crossing closure. The Ho5 Pattens level crossing is the main access to the Thorley Wash Nature Reserve from the south and west of Bishop's Stortford. There is a development proposed for 3000-4000 homes locally so the crossing is likely to become all the more important.
46. The extra distance of 1 kilometre is mostly in the Nature Reserve which is a designated flood plain. East Hertfordshire District Council's Strategic Flood Risk Assessment designates the land as Zone 3b and states this of it: 'This zone comprises land where water has to flow or be stored in times of flood (the functional floodplain)'.<sup>14</sup>

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<sup>14</sup> Appendix B, 'Flood Zone Maps', to East Hertfordshire District Council's Strategic Flood Risk Assessment.

47. The proposed diversion will cross the railway line via a reduced height underpass. NR proposes that the height is to be increased by engineering means: but this will be by lowering the level of the underpass to below the natural surface level. At the time of writing (April 2017) the side of the underpass at its present level has water flowing in a side channel. It is difficult to see how the proposed underpass is capable of being prevented from flooding, given that it will be below ground level.
48. And more generally, about 300 metres of the proposed route is at ground level. At the time of writing, even after a relatively dry winter and in a relatively dry spring, there are open drains and other watercourses flowing with water. In a normal winter, or after any heavy rain, this could all easily become flooded, waterlogged or miry. It is, after all, a designated floodplain; and floods could be more frequent in future years, given unpredictable climate change.
49. If (as would appear to be highly likely) flooding prevents use of the proposed lowered underpass on this alternative route, users will have to go an extra 2.3 kilometres to the alternative access to Thorley Wash Nature Reserve. This will be along a major road, to the nearest footbridge. The loss of amenity and extra distance on an unattractive road would make that unacceptable.
50. It is puzzling that the crossing at Trinity Lane (Ho1) is to remain, but Pattens to close. We are altogether unsure about the risk assessment here. Pattens has fewer trains, and fewer pedestrians appear to use it, and no incidents 2011–2015 are recorded, yet Pattens is designated 'high risk' and is the one proposed for closure. We are pleased that a pedestrian bridge was recently installed at Trinity Lane and wish to see this alternative to closure considered more often.

Footpath 007, parish of Thorley at Gilston Crossing (Ho6)

51. The Ramblers has no objection to these proposals.

Footpath 060, parish of Bishop's Stortford at Johnson's Crossing (Ho8)

52. The Ramblers has no objection to these proposals

Elsenham, Fullers End Crossing (Eo5)

53. The Ramblers objects to the proposals at this crossing. The existing crossing is well used with 57 pedestrians recorded on a weekday, and 36 at a weekend. This is a route between the two parts of Fullers End, in proximity to houses each side. There is street lighting and the crossing can be used safely 24 hours a day.
54. It is also possible for wheelchairs, prams, electric mobility vehicles and bicycles to use this as it is level and of a short distance.

55. The existing crossing has flashing red and green lights. If these were incorporated with gate-locking devices, the safety issue would be overcome and the general public would not lose this very important facility.
56. NR is proposing a route through an industrial area, under a tunnel and out to join an existing footpath. They state the additional distance is 250 metres. But the industrial area's existing road is used by lorries, cars, and loading vehicles. It is not well maintained and subject to mud and rubbish created by the industrial operations. There is no pavement. There is no adequate lighting. This would not be safe for the wheelchairs, prams or electric mobility vehicles which can use the current crossing safely.
57. At the end of the industrial area the ground drops down to a field which provides access to the underpass proposed to be used to pass under the railway tracks. It is not clear as to how the difference in levels will be solved to enable wheelchairs, prams and people who walk with difficulty to use the new route.
58. We recognise that the underpass is dry and is not subject to flooding, there is no lighting and its remoteness creates an unsafe environment for users (or at any rate, a perception of unsafeness, which is just as bad a deterrent). This would be particularly the case at night. The new arrangement is likely to deter people from walking.
59. The documentation does not make it clear that the proposed hard surfaced footpath from the underpass involves a considerable rise in the ground, some 5 metres, up to the road on the other side of the existing crossing. This would make it difficult for wheelchairs, prams and people with walking difficulties to use. There is a stile on the existing footpath installed at the road junction which would be an additional hazard.
60. In summary, the existing crossing is accessible to all users 24 hours per day. It enables the residents of both parts of Fullers End to function safely as a single community. The proposal creates an unsafe and difficult to access—unusable to some—path which could be used only during daylight hours. Closing this path would effectively cut a community in two. This proposal is unacceptable.

#### Parish of Newport: Elephant Crossing (E09)

61. The Ramblers objects to the proposal for this crossing. The existing crossing from Newport High Street passing over a stream joins with a delightful, and (before the crossing was temporarily closed) much used footpath to Debden. NR's proposal is to create a new footpath crossing two fields to join the Debden Road; one would then walk down the road over a single-vehicle hump-back bridge to access the High Street and a further walk back down to the existing path from the crossing.
62. The proposed path across fields to access on Debden Road does not run alongside a field edge and as such is liable to be less easy to use than one that does. The access out on to the Debden Road is positioned to miss the house called The Chestnuts and to use an existing gateway. It takes no account of the sight-lines of the road which



bends after 40 metres, the hedges, or the lack of verge. This is a dangerous proposal, and not one which any organisation concerned with promoting pedestrian safety could support.

63. It is proposed that the walker would then continue down the Debden Road, which has no pavements, to join the High Street. This requires the crossing of a hump back bridge, with no pavement, no room for two vehicles, and poor sight lines over the bridge. The walker then goes along another road without a pavement.
64. It is not acceptable that NR should be putting walkers into this position. It is not a rational means of resolving the alleged safety issues involving crossing the railway.
65. In summary, the existing crossing is a route to the High Street used over a very long period of time by walkers and local residents, which may have been in existence since before the railway. There have been no reported incidents on the crossing. The proposal puts walkers at risk walking down a busy road, without pavements, over a single-vehicle hump-back bridge, also without pavements to gain access to the road. The proposal takes no account of safety and shows little respect for users, and is completely unacceptable.

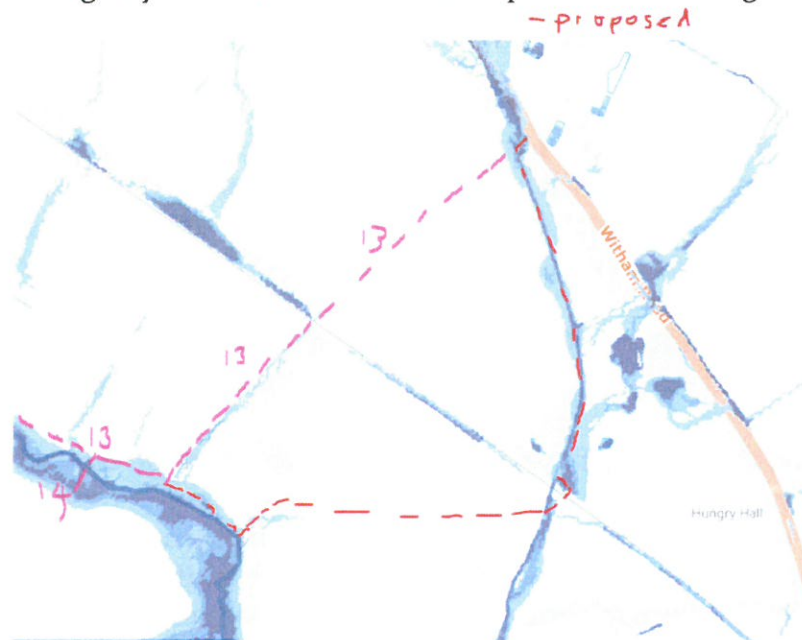
#### Proposals in the parishes of Marks Tey, Copford, Stanway and Eight Ash Green

66. To the proposals in the parishes of in the parishes of Marks Tey, Copford, Stanway and Eight Ash Green, the Ramblers has no objections.

#### Proposals in the parishes of White Notley and Cressing (E37) (Formerly known as the Essex Way, now the John Ray Walk)

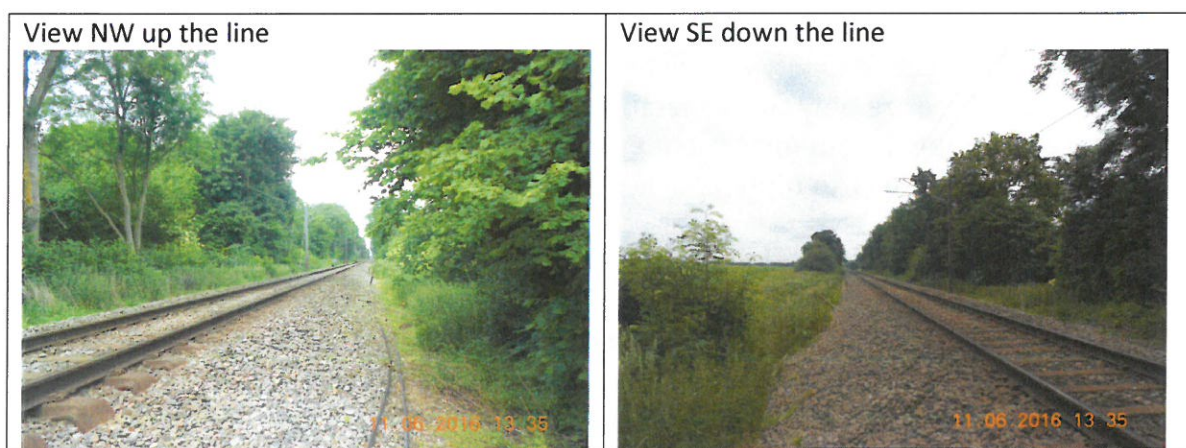
67. The Ramblers objects strongly to this proposal. The Braintree Line is a single-track branch line. There are only two timetabled trains per hour, one up and one down the line – so a timetabled train movement every half an hour. It is not a freight line. The theoretical line speed is 50 mph.
68. The existing railway crossing has good sightlines and trains can be heard approaching. Network Rail's data shows no accidents, incidents or near misses. Despite this Network Rail assess the crossing as high risk at C8. It is not clear why the private user crossing about 350m south along the line has a slightly lower risk rating of C5. On the NE side of the railway line in particular, White Notley footpath 13 (120-13), is on higher ground with no flood risk and with extensive views.
69. The proposed route is via a private underpass which is at a high risk of flooding – see the Environment Agency surface water flood risk map below. On the north-east side of the railway line (P184A-P189-P188 sheet 28) the route is in the floodplain of a ditch/ watercourse as is shown by the dark blue shading. The final section of the proposed diversion route (P185-P179A) would run closely along the north side of the River Brain in a high surface water & river flood zone area.

Environment Agency surface water flood risk map Dark blue = high risk



### Proposals in the parishes of White Notley and Cressing (E36)

70. The Ramblers wishes to register a conditional objection to this proposal. The Braintree Line is a single-track branch line. There are only two timetabled trains per hour, one up and one down the line— a timetabled train movement every half an hour. It is not a freight line. The theoretical line speed is 50 mph.
71. The existing railway crossing poses no difficulties for pedestrians and has good sightlines. Trains can be heard approaching.

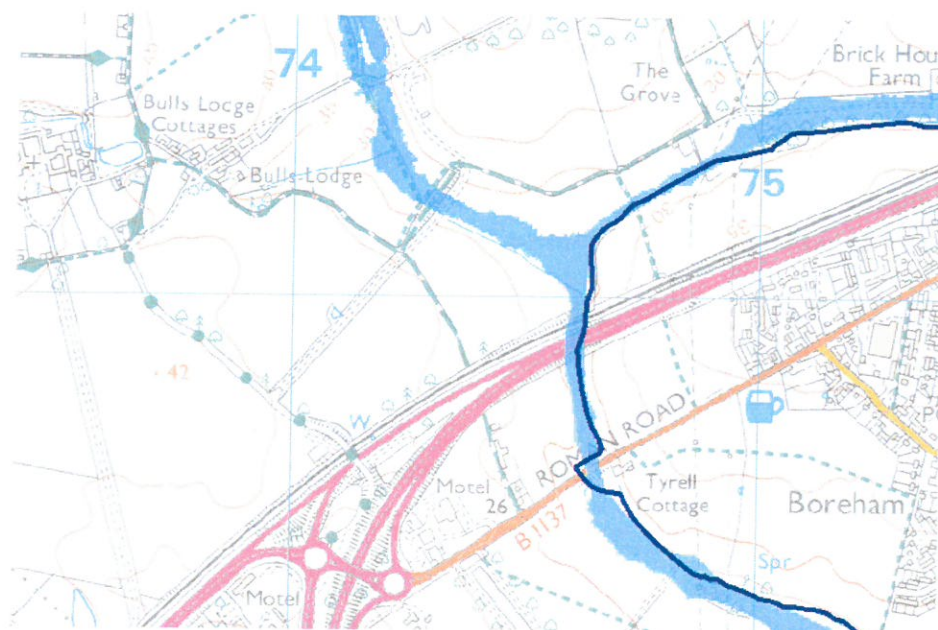


From a point-to-point walking route, Network Rail's proposals are not objected to.

72. However, the possibility of a circular walk is removed: from the junction of Cressing 11 and 28 (74-11 & 74-28 = P184) to the NE of the crossing – over the crossing – SW along White Notley 8 (120-8) to the junction with White Notley 21 (120-21 = P179) and then along the John Ray Walk & Essex Way to the underbridge Cressing 10 (120-10) – and so back to the starting junction.

73. If a path was created along the field edge on the NE side of the railway line between the crossing and the underbridge, the possibility of a circular walk for local people would be retained even with the closure of the crossing. The land is lower than the railway embankment with an arable field on the NE side so it would not be an enclosed path.
74. Parishes of Boreham and Noakes (E17 and E18)
75. Network Rail's proposed bridleway loop north of the railway line is not an alternative as it is wholly on one side of the railway line. It does not seek to maintain the currently truncated north-south connection across the railway line and the A12. There is already an east-west bridleway – 213-49 & 213-48 – between Boreham 23 & Boreham 24 so another bridleway is not of particular benefit. The proposed bridleway is also partly in the flood plain of the watercourse, the Boreham Brook.

Environment Agency flood plain map



76. In fact, a substantial Network Rail overbridge / series of arches already spans the Boreham Brook area (see picture below)





Picture taken from the north looking under the railway line towards the A12

77. Although the onward connection south is currently obstructed by the A12, Highways England are engaged in the planning for the A12 widening & improvement programme between the A12 Boreham junction and Marks Tey to the north-east. The work will start in 2019/2020 and is expected to run until 2025/6. One of Highway's England A12 scheme objectives is to provide a safe non-motorised user route between communities and seeks to address severance<sup>15</sup>.
78. Although the Network Rail bridge / arches at Boreham Brook is in a flood area, it does provide a non at-grade crossing way of transiting the railway line between the Boreham & Noakes at-grade crossings. The use of this existing Network Rail bridge /arches should be taken forward together with the provision of a nearby A12 crossing as part of the A12 widening scheme. There is no evidence that such a scheme has been considered to date.
79. Beaulieu Park is a major housing & business & new station development to the east of Chelmsford. The proposed May 2016 Beaulieu Park movement network plans to retain the current public rights of way and envisages N-S links across the railway line & the A12 to the B1137 (old A12) and Boreham. The movement plans envisage a new footpath coming to the Network Rail / Boreham Brook area – see the map snip below.

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<sup>15</sup> A12 NMU workshop 8 November 2016



Beaulieu Park – proposed movement network (May 2016)

(yellow & orange dashes = proposed cycleways    pink dots = footpaths    red stars = primary destinations)

80. Network Rail's proposed bridleway loop north of the railway line conflicts with the published Beaulieu Park Movement strategy. Countryside Zest, the Beaulieu Park developers, objected to a September 2016 proposal for a northern bridleway loop.
81. With the definite delivery of an A12 widening & improvement programme, and the Beaulieu Park development, there is a real opportunity to provide non-motorised user off-road link(s) across the railway line and the A12 from the new Beaulieu station and business park area to Boreham. This would also provide an off-road route south from the new housing to the countryside and pubs / restaurants in Boreham. It would also provide non-motorised user links from new housing developments in Boreham NW to the new station and the associated business parks and employment opportunities
82. Ramblers strongly objects to Network Rail's closure proposal as being premature and unnecessary in view of the forthcoming developments in the area of the E17 Boreham & E18 Noakes crossings in the next 5 years and in view of the existing railway bridge / arches in the Boreham Brook area.



Parish of Cressing (E35, Cranes No. 1)

83. The Ramblers objects to this proposal unless the underpass is improved. The Braintree Line is a single-track branch line. There are only two timetabled trains per hour, one up & one down the line – so a timetabled train movement every half an hour. It is not a freight line. The theoretical line speed is 50 mph.
84. The existing railway crossing is fine, with sufficient sightlines. Trains can be heard approaching.
85. The land surrounding this crossing is described by Network Rail as predominantly arable whereas in fact it largely comprises a golf course. The underpass that Network rail is proposing to use is used by golf buggies to travel from the tees on the west side of the railway line to the tees on the east side of the railway line. There would therefore be pedestrian and golf buggy conflict with no room to pass.
86. At a stated width of 1.1 metre wide and a minimum height of 1.75 metres, the underpass does not meet the minimum guidelines of width or height for a public footpath of 2 metres width plus 0.5m for each “bounded side” and a minimum height of 2.2 metres. The Designs Manual for Roads & Bridges guidelines give minimum dimension for pedestrian only subways of 2.3 metres wide & 2.3 metres high<sup>16</sup>. The recommendation for a subway shared with cyclists is a minimum width of 4.0 metres - and a bicycle is narrower than a golf buggy.
87. The underpass also obviously floods – see the photo below taken in June showing duck boards and water logging. The duck boards further reduce the height available.
88. On the east side of the railway line, there is quite a steep bank to be ascended in order to reach the Cressing footpath 14 (74-14). No provision has been made by Network Rail for a ramp, or steps, up this slope.

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<sup>16</sup> [www.standardsforhighways.co.uk/ha/standards/dmr/vol6/section3/td3693.pdf](http://www.standardsforhighways.co.uk/ha/standards/dmr/vol6/section3/td3693.pdf)





Footpath 12, Parish of Wakes Colne at Thornfield Wood Crossing (E51)

89. The Ramblers objects to this crossing closure. This is a quiet line with only 38 train movements a day. The line is single track and the sight lines are good, the trains can be heard from miles away. There have been no reports of accidents or incidents. Crossings on busier lines have been left open.
90. The diversion is of nearly a kilometre, whilst other diversions of 450 metres (in Tendring) have, since the pre-application consultation, been abandoned as being too long.
91. The natural east-to-west flow of the network will be broken by this and the closures at E52, below, and walkers will be tempted to do more road walking on narrow roads which have no footways. A particular danger is the blind summit of a bridge over the former railway to Halstead when one approaches Wakes Colne FP10 from the south.

Footpaths 21 parish of Mount Bures and Footpath 8 parish of Wakes Colne, Golden Square Crossing (E52)

92. The Ramblers objects to this crossing closure. This is a quiet line with only 38 train movements a day. The line is single track and the sight lines are good, the trains can be heard from miles away. There have been no reports of accidents or incidents. Crossings on busier lines have been left open.
93. The diversion here is nearly two kilometres, whilst other diversions of 450 metres (in Tendring) have, since pre-application consultation, been abandoned for being too long. The natural east-to-west flow of the network will be broken by these and the

closures at E51, above, and walkers will be tempted to do more road walking on narrow roads which have no footways. A particular danger is the blind summit of a bridge over the former railway to Halstead when one approaches Wakes Colne FP10 from the south.

Footpath 27 parish of Ardleigh (E56)

94. The Ramblers objects to this proposal.
95. This crossing has been physically closed, not, it is thought, always in accordance with the powers in the Road Traffic Regulation Act 1984 for temporary closure of footpaths and bridleways, for some years, causing much complaint.
96. Depending on which alternative you take, the diversion adds 620 metres or 760 metres to a user's walk.

Footpath EX184/19 parish of Wrabness (E48)

97. The Ramblers objects to this closure. The resulting diversion adds 730 metres to the route. Users are put at greater risk than if using the level crossing, the diversion sending them down a narrow road with bends. The nearby woodland-walk experience is removed.

Footpath EX/165/8 parish of Great Bentley at Great Bentley station, (E45)

98. The Ramblers objects to this closure. The diversion adds to the length of walking which will be through a 'business park' which has not yet been built, which will be part of a development only lately approved, following a planning appeal, Tendring District Council having rejected the application. Several years of building of what will not be an especially attractive walking environment, will not make this an appealing alternative for walkers.

Proposals at Paget Crossing, parish of Wivenhoe (E41)

99. The Ramblers objects to this closure. It is not a definitive public right of way but is a pedestrian link between two sections of the same road.
100. We object to the closure because it removes a short level crossing point enabling people in the town of Wivenhoe to visit their neighbours, walk their dogs and access the village facilities, which include the river frontage, pubs, church, shops and a school.
101. The alternatives are either longer or steeper.

Footpath EX/162/16, parishes of Elmstead and Alresford, Sandpit (E42)

102. The Ramblers objects to this proposal. The diversion in our view is more dangerous than using the level crossing.
103. The alternative route proposed by NR is about 740 metres long, and involves using a busy road and a bridge with no footway. This increased interaction between vehicles and pedestrians will at best can cause inconvenience to drivers (and annoyance to some of them) having to stop for, or manoeuvre round, walkers, and stress, fear or embarrassment on the part of pedestrians having to cause drivers to take that kind of action. Worse, it will increase the likelihood of accidents. It is likely to deter pedestrian use completely.
104. And the diversion end-point, P305, is about 250 metres from the resumption of the footpath network with Footpath 157 (at point P296) on the Wivenhoe Road. This is a significant break in the public rights of way network's connectivity.
105. For those reasons, the Ramblers object to this proposal.

Footpath EX/165/12 parish of Great Bentley (E46)

106. The Ramblers objects to this closure. The alternative route adds a full 1.4 kilometres to a user's journey, which for a path subject to 'routine' use is not acceptable. The alternative goes through the yet-to-be-built 'business park', so users will have the noise and other inconveniences of construction work, possibly for several years, followed by a walk through what will not be an especially attractive walking environment.
107. The effect will also be to prevent walkers having the option of varying their route by walking along the large and very attractive village green.

Bures FP 30 (E54)

108. Network Rail records show there have been no incidents of misuse, near misses or accidents at this level crossing over the 6-year period from 2011-2015. The crossing is on the Marks Tey-Sudbury branch line, which is promoted as a tourist attraction as the "Gainsborough line" after the painter who lived in Sudbury. The line is single track with two timetabled passenger train movements per hour, one up and one down the line. The maximum line speed is given as 50 mph but this crossing is not far from Bures station so trains will be slowing down to stop at the station or will be starting up after having stopped.
109. The entire west-east route of public footpath 30 (70-30) provides a convenient direct route between the west side of Bures (Bures Hamlet) to the school, church and recreation ground/open space on the east side of Bures (Bures St Mary), avoiding walking beside busy quite narrow roads. This footpath would be truncated at the western end.



110. The proposed route is entirely on public roads and so is available to be used now if people wish. Being alongside roads it is noisier, less enjoyable, with a poorer air quality and so less healthy due to the proximity of vehicle exhausts. A short stretch on Colne Road has no pavement, only a grass verge.
111. Station Hill is a busy quite narrow road and the section under the existing railway/road bridge has a “pedestrian warning” road sign as it has minimal/no pavements.
112. Section NR12 of the TWA Order states that “... *A new section of asphalt footway (type P7 noted on the plan) will be provided east of the bridge and a crossing point added to allow users to cross Station Hill*”. It is unclear whether the footway would be on the south side of Station Hill or on the north side, which would require pedestrians to cross Station Hill twice. Also, road crossing points are not generally permitted near junctions of which there are two on the east side of Station Hill—Water Lane and The Paddocks. A minimum footway width of 2 metres would need to be provided as per Essex County Council’s Essex Design Guide.

London Borough of Havering: proposals at Manor Farm Crossing (HA03)

113. The Ramblers objects to this proposal, unless an off-carriageway footway/cycleway is provided to cross the railway alongside Ockendon Road bridge in addition to the proposed 2m wide field margin footpaths. The approach to the bridge from both directions is particularly dangerous. Without that facility we cannot see that Network Rail’s proposal will improve pedestrian safety. It has the opposite effect.
114. Local roads lack pavements: it is dangerous to walk on the busy Ockendon Road between Bridge Cottages and Pea Lane. There would have to be (and we have no evidence that one is proposed) a pavement along Ockendon Road, including at the railway bridge. The approach to the bridge from both directions is particularly dangerous.
116. The lack of verges or pavements down the winding, narrow Pea Lane—which has no white lines—puts walkers at risk. Making people walk on this type of road increases the likelihood of accidents involving vehicles. Visibility when crossing the railway line is actually much better than on Pea Lane.
117. It is true that Footpath 251 is already fragmented because of the M25. If the level crossing has to be closed, this could be an opportunity of finding some way of reconnecting this section of Footpath 251 with the public right of way network.

London Borough of Havering: proposals at Eves Crossing (HA04)

118. The Ramblers objects to the proposal. Again, it would result in more road walking on roads without pavements or even verges, including the need to cross the Ockendon Road bridge which has no footpath. This would increase the likelihood of accidents and cause



stress to walkers. There is a loss of amenity since a south-west/north-east link is lost and walkers are forced to make a 2km diversion, likely to take at least 40 minutes.

119. The NR12 design diagram show 2m wide off-road footpaths being created for the diversions however there is no off-road proposal for a foot or cycleway at the busy Ockendon Road railway bridge.

120. There are no instances of incident or misuse at this crossing, which should be retained.

Footpath EX/272/178, district of Brentwood, Whipps Farmers Crossing (E28)

121. The Ramblers objects to this closure. The present footpath navigates across quiet open countryside and crosses the railway line in a north-south direction. The proposed closure of the level crossing at Whipps Farmers, with a diversion westwards on to Warley Street, crossing the railway line at Puddle Dock level crossing, is unacceptable.

122. The effect of it would be to stop pedestrians from moving north to south or vice versa unless they use a circular route of about 3 kilometres. This would take about an hour to walk, and would involve crossing the dangerous Warley Street and walking alongside the busy B187 St Mary's Lane. Both roads have heavy fast moving vehicular traffic and lack footways.

123. Walkers are unlikely to use this route but would be tempted to 'short-cut' by using the humpback bridge on Warley Street. As recorded by NR there is no footway over this narrow bridge, visibility is poor and there is a high volume of fast moving traffic—accidents have occurred here.

124. NR records show there have been no incidents of misuse, 'near-misses' or accidents at Whipps Farm level crossing (as in many locations) over a six-year period. Using the All Level Crossing Risk Model, NR state this crossing has a high-risk score of B6. Intuitively this seems incorrect. In our view, since there are good sight lines, and there have been no incidents, the crossing should be retained. The diversion proposes using the Puddle Dock level crossing which is nearby (about 600 metres away) on the same line. This surprisingly has a lower risk score of C8.

125. We believe that no evaluation has been undertaken by NR of the risks associated with diverting the footpath across Warley Street, yet they have previously acknowledged that this road has high volume, fast moving traffic.

126. The Ramblers believes the risks to pedestrians crossing this road are likely to be substantially greater than using the level crossing. According to the C2C railway timetable it takes 5-6 minutes to go from West Horndon to Upminster—a distance of about 7 kilometres. This indicates the trains are travelling at an average speed of between 70-80 kilometres per hour, or 46-52 miles per hour: a speed that is possibly slower than the vehicles using Warley Street. This, plus the fact that the volume of traffic

far exceeds the frequency of trains, and the poor visibility on Warley Street, demonstrates the unsuitability of this proposed diversion for pedestrian use.

127. In conclusion, the proposed diversion would have a destructive effect on the present public right of way network. It is totally different in nature from the present countryside footpath; it is substantially less convenient, it exposes walkers to excessive traffic noise and pollution, and increases the likelihood of accidents involving pedestrians and vehicles. Hence our objection.

Footpath EX/313/39 parish of West Horndon, Brown and Tawse Crossing (E29)

128. The Ramblers objects to this closure. The present path crosses the Brown and Tawse level crossing in a north-south direction and except for the St Mary's Lane crossing involves no road walking. The closure of the crossing would stop pedestrians from moving north to south or vice versa unless they follow the proposed diversion—a circular westward walk of about 750 metres, taking about an extra 10–15 minutes (P387 to P388A, P388, P389, P390, P392 to P393). This route would require the public to walk along Childerditch Lane over a narrow humpback railway bridge with poor visibility and no footway. Pedestrians are exposed to an unnecessary risk of accidents with traffic.
129. NR records show there have been no incidents of misuse, 'near-misses' or accidents at the provided evidence to support this score. Brown and Tawse level crossing over a six-year period. Using the All Level Crossing Risk Model, however, NR state this crossing has a high risk score of C4. Intuitively this seems incorrect; there are good sight lines and there have been no incidents. It is in our view as safe as Puddle Dock and Brickfields level crossings on the same line which are to remain open. On that basis, the Brown and Tawse crossing should remain open.
130. We believe that no evaluation has been undertaken by NR of the risks associated with diverting users along Childerditch Lane. It is clear the narrow humpback railway bridge is a hazard for pedestrians and vehicles: visibility is poor with blind spots, and there is no footway.
131. In conclusion, the proposed diversion is totally different in nature from the present footpath; it is substantially less convenient to the public, it exposes walkers to unnecessary traffic, and it increases the likelihood of accidents involving pedestrians and vehicles, and causes embarrassment and unease to users as drivers have to slow and sometimes stop, and in some cases a reciprocal annoyance or worse on the part of some motorists. Hence our objection to this proposed crossing closure and diversion.

District of Basildon: proposals at Motorbike Crossing (E33)

132. The Ramblers objects to this crossing closure and diversion.
133. The level crossing provides walkers and Basildon residents north of the A13, with a quick, quiet and safe access to an extensive conservation area which includes Pitsea, Vange and Fobbing Marshes, and an RSPB reserve. As recorded by NR, the crossing is used by

pedestrians on a regular and frequent basis, showing its popularity and value. The crossing is protected by whistle boards and crosses the Grays to Pitsea railway track about 500m to the west of Pitsea Station; trains go slower here to stop at/depart from the station.

134. NR propose closing the crossing (Points P15, P16, P17, P18) and routing walkers along a diversion of about 1 kilometre. This would take about 25 minutes. Where a walk is purely recreational, extra distance can in fact be a bonus, if the terrain is attractive: but this would involve walking past an ugly industrial park, crossing and walking alongside the busy and dangerous Pitsea Hall Lane, and using the level crossing just outside Pitsea Station.
135. The character, nature and length of this diversion are totally different from the present path. It will be a strong disincentive to people trying to access the Marshes and reserve. There is a clear loss of amenity.
136. Moreover no thought appears to have been given to people with mobility issues, or to the safety of people crossing Pitsea Hall Lane.
137. In addition, if by any chance the footpath creation between points P15, P19, P20 and P21 is delayed in construction or fails to be created at all or is poorly maintained, perhaps in consequence of council cost-reduction pressures, then pedestrian access to the Marshes would be extremely difficult or nearly impossible, leading to a further loss of amenity.

#### To1-131 (Thurrock Unitary Authority)

138. Ramblers objects to the closing of this level crossing. This crossing has had no accidents in the 5-year period up to 2015. This and the maximum line speed being limited to 50 mph implies that safety is not an issue.
139. Footpath 145 which goes over the level crossing is used daily by a few pedestrians.
140. The diversion proposed by Network Rail is over 700m and involves roadside walking along the A1306 Arterial Road Purfleet which has no defined foot way. The A1306 links to the nearby A13 and carries a mix of light and heavy vehicles. The proposal that pedestrians use existing verges presents a safety risk, particularly if for any reason the verges were not usable (e.g. in circumstances where they were not being maintained properly).

#### To4 Jeffries (Thurrock Unitary Authority) (Footpath 32)

141. Ramblers objects to the closure of this level crossing. No accidents were recorded here in the 5-year period up to 2015 so safety appears not to be an issue. The popular and well used Footpath 32 crosses the level crossing in a NW/SE direction and provides walkers and residents of Stanford Le Hope quick and easy access to the open countryside via the nearby A13 underpass.

142. Network Rail proposes closing this crossing and creating a north/south circular diversion which runs south on a new path parallel and close to the rail line, up via steps on an embankment onto the noisy and busy A1014 intersection with the A13, over the railway bridge and down steps onto a new field edge path which runs parallel and close to the A13 before accessing the A13 underpass. This diversion is 1.2km long and would take 25 minutes to walk. This would be extremely difficult, or impossible for people with mobility issues. It is a long, noisy, difficult diversion which will inhibit walkers and restrict access to the open countryside. This diversion is totally different from the present route and would result in a loss of a local amenity.

#### To5 Howells Farm

143. The Ramblers objects to the closure of this level crossing. In the 5 years up to 2015 there were no accidents recorded at this level crossing; again safety appears not to be an issue. To5 Howells Farm is crossed in a north-south direction using the quiet FP23 which runs parallel to the High Road and terminates on the B1420.
144. Network Rail is proposing two diversions - one to the east and one to the west. The diversion to the east involves a road side walk along High Road, over Fobbing level crossing, then on to a busy roundabout which provides access to the A13 before proceeding along the B1420; it is a vehicle dominated route with attendant noise and pollution. It is about 3km long and would take about an hour to walk. The diversion is totally unsuited to pedestrians and is unlikely to be used since it is completely different in nature to the present route. The crossing closure will result in a loss of a local amenity.
145. The diversion to the West along a new field edge path (width not specified) runs close to and parallel to the rail track, then up a stepped incline onto the Southend Road then onwards to the B1420. This diversion is about 1.4km and would take 25 minutes to walk. It could prove problematic to people with mobility issues. Again, there is a loss of local amenity for people who wish to access/exit the B1420.

#### E30 Ferry (PROW EX/Benf/22)

146. The Ramblers objects to this proposal. This level crossing provides pedestrians with quick and easy access between Benfleet Downs and residential properties on the North side of the line and Canvey Island and South Essex Marsh Nature Reserve on the south side.
147. The crossing is protected by whistle boards and as recorded by Network Rail was used by large numbers of people and there were no accidents recorded in the 5 years up to 2015. There are clear lines of sight in both directions and although the line speed is rated at 75mph trains are slowing as they enter/leave Benfleet Station which is about 300m away.



148. Network Rail have proposed a diversion of over 600m which goes parallel to the line, through a car park and an underpass at the station and a road walk of about 300m along the busy Ferry Road. The diversion is totally different in nature and would result in a loss of amenity.

#### E31 Brickyard Farm (PROW EX/Benf/12)

149. This level crossing provides pedestrians with quick and easy access between Benfleet Downs and residential properties on the North side of the line and Canvey Island and South Essex Marsh Nature Reserve on the South Side.
150. The crossing is protected by whistle boards and as recorded by Network Rail was used by large numbers of people and there were no accidents recorded in the 5 years up to 2015. There are clear lines of sight in both directions and although the line speed is rated at 75mph trains are slowing as they enter/leave Benfleet Station which is about 380m away.
151. Network Rail have proposed a diversion of about 760m which goes parallel to the line, through a car park and an underpass at the station and a road walk of about 300m along the busy Ferry Road. The diversion is totally different in nature and would result in a loss of amenity.
152. The crossing however is close to crossing E30 Ferry and providing Ferry crossing remains open no objection will be raised to closing E31 Brickyard.

#### E38 Battlesbridge

153. The Burnham branch line is a single track branch line with only 2-3 train movements per hour.
154. The crossing is close to Battlesbridge station so trains will be slowing down or just moving off and so they will be slower than the 50mph line speed. Network Rail's data states that there have been no accidents, no near misses and no misuse of this crossing between 2011-2015 and no "key risk drivers" are noted. The sight lines at this crossing are good.

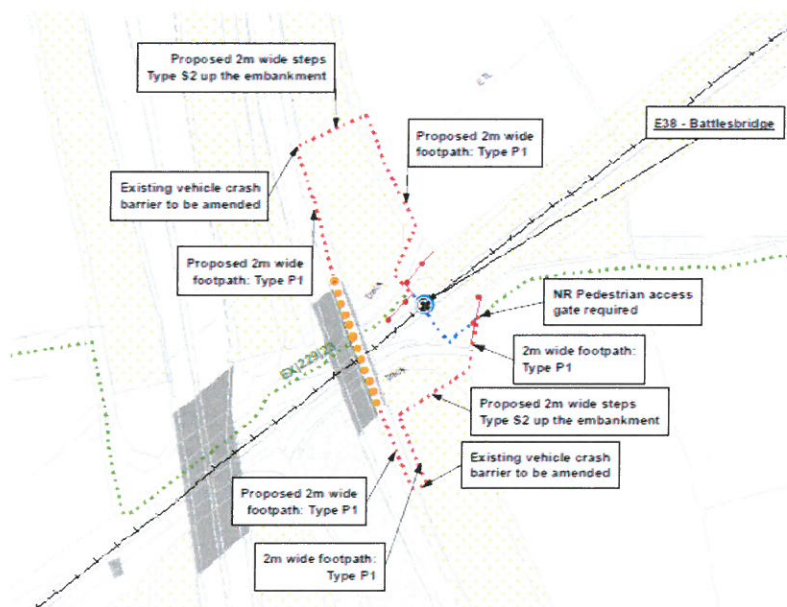
Sight lines looking west



Sight lines looking east



155. Network Rail propose that users will climb up a considerable number of wooden steps onto the busy A1245 road bridge deck above the railway line and then back down a set of wooden steps again.
156. The proposal drawing in NR12 of the TWA Order shows that the proposed diversion route is a factor of about 10 times longer than the current short walk across the single-track railway, – and this does not take into account the height difference which must be negotiated.



157. It is not clear who would be responsible for maintaining the wooden steps – Network Rail or Essex Highways. Ramps not steps are required for inclusivity.
158. Network Rail propose cutting a gap in the crash barrier along the A1245. There is no mention of moving the crash barrier or providing a second crash barrier. Network Rail's proposal appears to mean that pedestrians would walk alongside the busy A1245 without any protection from the traffic. The speed limit on the A1245 is 60mph – which is more than the maximum line speed of 50mph on the single-track branch line.





A1245 and the bridge deck



Height of bridge above the ground – person shown for comparison

159. The closure of crossing E38 Battlesbridge is objected to as it is inconvenient, less safe and much less enjoyable for users due to the considerable climb up & down and the proximity, noise and pollution from fast moving traffic on the A1245 bridge deck.

#### E19 and E20 Potters and Sniveller

160. The Ramblers objects to proposal E19. The sight lines at Potters crossing are good. Network Rail's own data states that there has been only 1 accident between 2011-2015 and no incidents or near misses. The recommendation is that safety measures like warning lights and/or interlocking gates are installed before crossings are closed.
161. The proposed connection around the south side of Hoo Hall would be a welcome addition to the PROW network.
162. However, Rivenhall public footpath 48 (105-48) which would be the replacement N/NE – S/SW route is in the flood plain and gets very boggy – see the flood map below. By comparison footpath 43 which would be extinguished, is on higher ground. Therefore, the alternative route proposed is not acceptable and the proposal is objected to.
163. If diversion of the footpaths had been sought under Section 119A of the Highways Act 1980, then an acceptable solution could potentially have been arrived at during discussions between all parties – path users, the landowner, Essex Highways & Network Rail. However, the TWAO process appears to have no facility to arrive at a mutually agreed solution – the only options being to agree or to object.



Environment Agency flood map dark blue = high risk



### E20 Snivellers, Kelvedon

164. The Ramblers objects to proposal E20. Snivellers crossing is a strategic link in the local right of way network. It forms part of two of Kelvedon Parish Council's published circular walks. Network Rail have proposed various bridleway loops north of the railway but none provide any connectivity to the south of the railway line. The alternative proposed railway crossing of Hamilton's Bridge on Cranes Lane is a narrow road bridge with no pavement or verge. This is already a public highway which is available for use now and so does not compensate for the loss of Sniveller's Lane crossing.
165. Network Rail's own data states that there have been no accidents, incidents or near misses at this crossing between 2011-2015. The recommendation is that safety measures like warning lights and/or interlocking gates are installed before crossings are closed.
166. Snivellers Lane—as the name implies—is a historic connection with Great Braxted Mill to the south of the A12. Closing the crossing removes the north-south

connection and by leaving a dead-end on the south side of the railway line, it degrades the connectivity of the public right of way network.

167. The A12 is in Highways England 2015-2020 programme for widening to three lanes and improvement to expressway standards. One of Highway's England A12 scheme objectives is to provide a safe non-motorised user route between communities and seeks to address severance<sup>17</sup>.

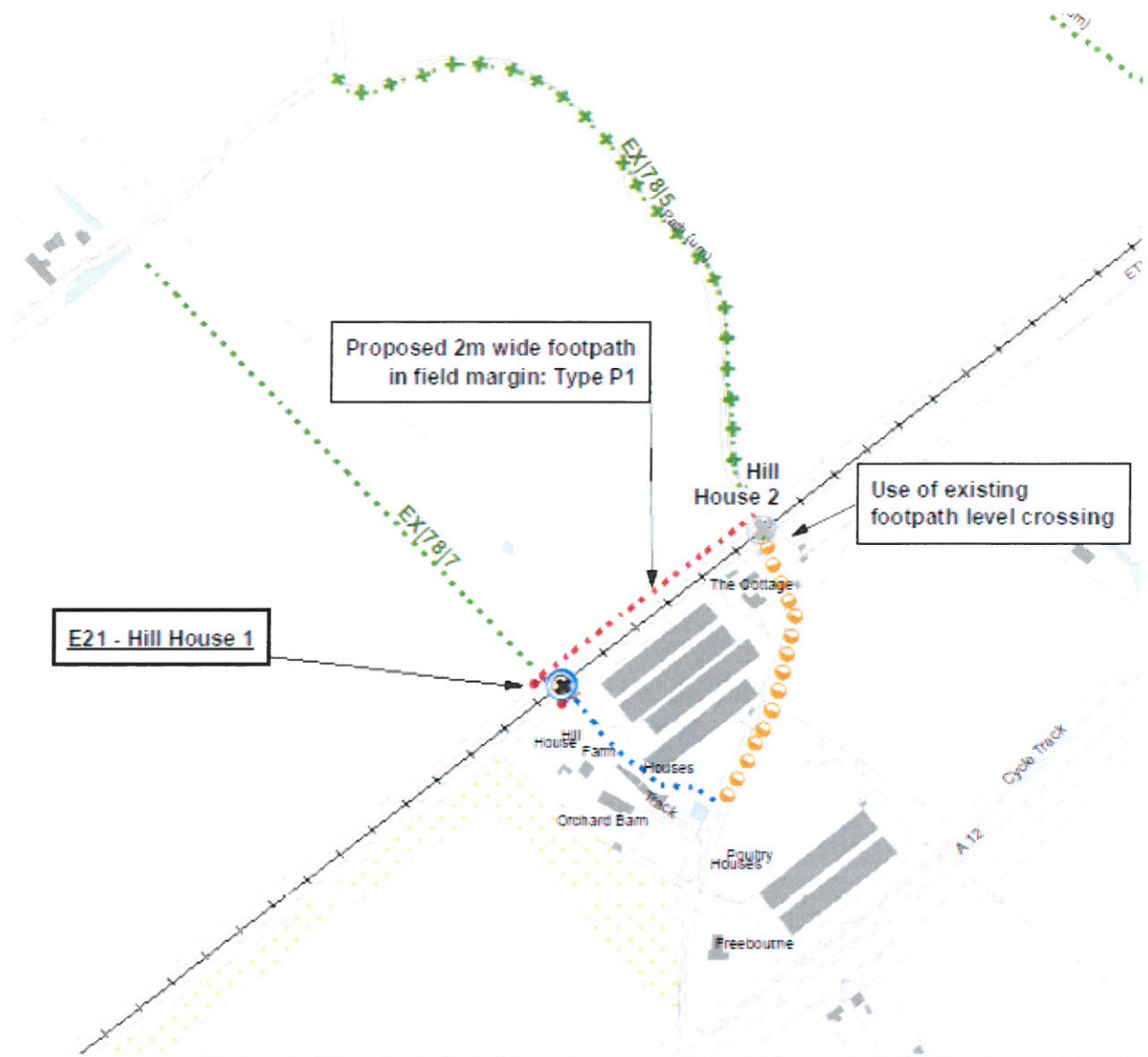
168. Whatever happens a local road will be provided along this stretch of the A12 as there are properties exiting onto the existing A12 and the Rivenhall junction (un-numbered) is severely sub-standard and dangerous. So Snivellers Lane, a bridleway to the north and still a public road with vehicular rights to the south, will become useful once again as it will connect into a local bus route. To close Snivellers Lane railway crossing at a time when the restoration of north-south connectivity of the PROW network is in sight, would be perverse.

#### E21 and E22 Hillhouse

169. Provided that the 2-metre-wide connecting path along the northern side of the railway line (P206/606A – P210) is delivered as a PROW and the public railway crossing at Hill House 2 remains open, then there is no objection to the closure of crossing E21 Hill House 1 and the SE part of Feering footpath 7 (78-7).

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<sup>17</sup> A12 NMU workshop 8 November 2016

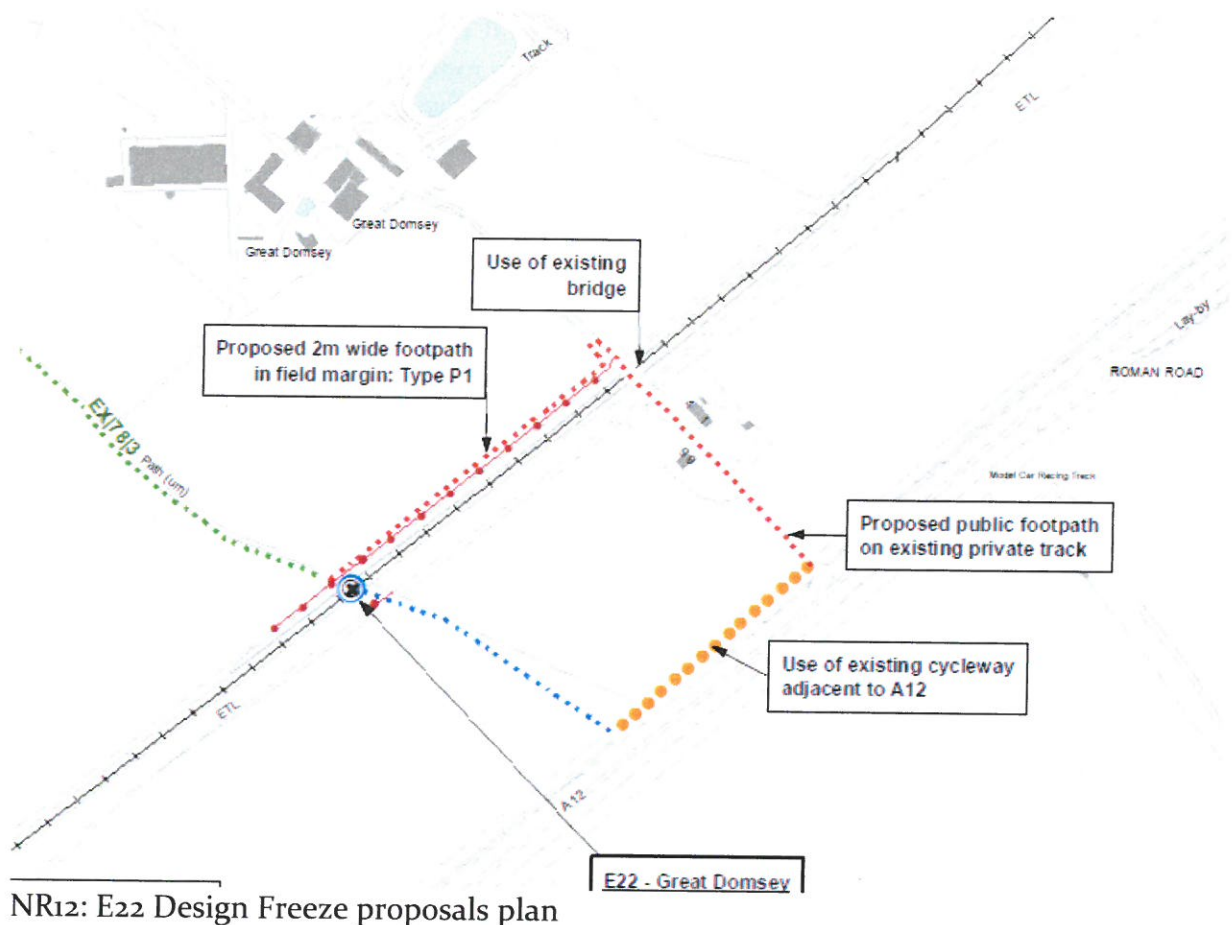


NR12: E21 Design Freeze proposals plan

#### E22 Great Domsey, Feering CO5 9ES

170. Provided that the 2-metre-wide connecting path along the northern side of the railway line (P213-P217) and then the route along Domsey Chase to the A12, including the railway bridge (P217-P218), is delivered as a PROW, then there is no objection to the closure of crossing E22 Great Domsey.





CLOSURE IN PART 2 OF SCHEDULE 2 OF LEVEL CROSSINGS NOT SUBJECT TO PROVISION OF NEW HIGHWAY

Footpath EX/203/13 parish of Roydon, Old Lane Crossing (E01)

171. The Ramblers has no objection to this provided that Wildes Crossing, the next crossing east, remains open as has been guaranteed by NR. Wildes is an appropriate alternative and probably less subject to flooding.

Footpath EX/41/7, parish of Newport, at Dixies Crossing (E10)

172. The Ramblers objects to this closure. The existing crossing is extensively used by walkers and local residents to join other paths on the eastern side of the railway. The alternative, the busy main road through Newport, is a far cry from the peace and quiet on the other side of the track. The quality of the walk will be massively compromised by the proposal.
173. The proposal would force walkers out on to the pavements of a busy road, and reroute them by an additional 1.2 kilometres to re-join the other side of the crossing. This is unreasonable.

174. It is also unnecessary. The sight-lines at Dixies Crossing are considerable: one can see over 300 metres to the south, and over 200 metres to the north. It is difficult to understand NR's rating of Dixies as an All Level Crossing Risk Model of C6. We say that because the crossing at Fullers End (E05) just down the line has the same rating but very poor sight lines.
175. The distance across the track at Dixies is 75 metres, with considerable space on both sides of the track.
176. The NR-proposed alternative route uses pavements along a busy road. It is also noisy and cannot in any way compare to the existing path, which is of strongly rural character west of the railway. The alternative route's pavements are narrow, requiring walkers to walk in single file for about 20 minutes. This is no way comparable to the existing, well used local amenity of this footpath. The long-way-round is a total of over 1.2 km additional length.
177. In summary: the existing crossing is an amenity benefitting both local and other walkers. The crossing is by no means the most unsafe of all the present proposals, and with no incidences or 'near-misses', it is very difficult to see how this closure can be justified. This proposal is unacceptable.

Footpath EX/157/4 parish of Alresford at High Elm (E43)

178. The Ramblers objects to this proposal. The diversion adds 230 metres to the route. Some diversions can genuinely improve a walk, if in being made longer it is also made more attractive. But here, though we recognise that a pedestrian refuge is to be provided, pedestrians will need to cross a busy road with fast-moving traffic. Moreover, users will need to walk alongside the busy road, with its noise and fumes, instead of, at present, a woodland path much loved by users.
179. We doubt that statistics of recorded use during NR's survey have captured a representative true level of use or properly reflect the path's value to those who regularly use it.

Footpath 18 (EX/285/18) parish of Hawkswell at Barbara Close Crossing (E26)

180. The Ramblers object to this proposal.

181. The existing crossing is on a straight section of trackway with clear lines of sight in both directions.
182. The ALCRM C6 classification here appears based on a line speed of 80mph. This seems to us not to reflect the reality that trains are traveling much slower: London-bound trains will be in the process of accelerating from Rochford station; Southend-bound trains will already be decelerating at the point at which they pass the crossing.
183. As acknowledged in NR's assessments, pedestrians frequently use this crossing, some of them daily. Yet there were no incidents of misuse, no 'near-misses' and no accidents at this crossing during the last 6 years. NR have proposed extinguishing about 100 metres of Footpath FP 285/18 and closing the level crossing (Points P441, P442, P443). Pedestrians must then take a 15-minute diversion of about 800 metres, of which 500 metres is road walking.
184. Moreover, the route which will have to be taken instead uses a railway underpass at Ironwell Lane. This is frequently flooded (as the photograph in NR's public consultation document shows).
185. Within the last year, NR has installed metal kissing gates at the crossing. Future maintenance costs will be minimal; the costs involved in removing these and replacing with fencing is an unnecessary investment.

#### EXTINGUISHMENT OF PRIVATE RIGHTS OVER ACCOMMODATION CROSSING

##### Parish of Wivenhoe: Wivenhoe Park Crossing (E57)

186. Paragraph 27(2)(c) of the draft Order provides for the extinguishment of private rights over the Wivenhoe Park Crossing, an accommodation crossing for farm vehicles on Footpath 236 Colchester. The farm vehicles will consequently need to access the fields to the west of the railway at their north-western end, via about 150 metres of the Sustrans cycleway river path—Footpaths 129 and 130, Colchester).
187. Though we believe that the Environment Agency may have access to Salary Brook Sluice via this section of the path, we believe that the mix of farm vehicles, cyclists and walkers (and occasional EA vehicle) is simply too dangerous in this narrow track. There is no provision for safety zones or for passing places.
188. Moreover, there will be surface transference: mud from fields to the cycleway, and gravel from the cycleway to the University Quays paved area and the roads.
189. For these reasons the Ramblers objects to this proposal.



**Closing**

190. The Ramblers trusts that these observations will assist. We look forward to hearing from the Department for Transport as to procedure and arrangements for determining these and any other representations and objections which may have been received.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'N. Philpott'.

Nicky Philpott  
Director of Advocacy and Engagement