

000/195

Angela Foster

From: Lisa White, Personal Support Officer <Lisa.White3@essex.gov.uk> on behalf of Andrew Cook, Director, Highways & Transportation <Andrew.Cook@essex.gov.uk>
Sent: 10 May 2017 16:32
To: TRANSPORTANDWORKSACT
Cc: Richard.Schofield@networkrail.co.uk; Hannah.Briggs@networkrail.co.uk; Steve.Day@networkrail.co.uk; Lee Sambrook; Alastair Southgate, Transport Strategy Manager
Subject: Level Crossing TWA letter to SoS
Attachments: ECC Level Crossing TWA objection letter.doc; ECC Level Crossing TWA objection appendix.doc

I am writing on behalf of Essex County Council (ECC) in relation to Network Rail's Anglia Level Crossing Reduction Strategy to formally object to the Transport and Works Act Order, usually known as the Network Rail (Essex and Others Level Crossing Reduction) Order, submitted to you by Network Rail in March 2017.

Unfortunately Network Rail's timescale and period for formal representations does not allow ECC to take a report to Full Council for approval of its formal response to the Order ahead of the 12th May deadline for submissions. I have therefore consulted with Councillor Eddie Johnson, Cabinet Member for Highways and Transportation, and in accordance with the ECC scheme of delegation I am submitting the attached holding objection, pending due consideration of this matter by full Council on 16th May 2017. I will write to you again after 16th May to let you know the council's formal position on an objection having considered the application at a meeting convened in accordance with s239 Local Government Act 1972 and s4.7 of the Department for Transport's Guide to TWA Procedures.

I would be grateful if you would kindly acknowledge receipt of this letter.

Yours sincerely



Andrew Cook
Director
Transport & Infrastructure

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Essex County Council
Infrastructure and Environment
County Hall
Market Road
Chelmsford
CM1 1QH

Date: 12th May 2017

Dear Sir,

Ref: Anglia Level Crossings Reduction Strategy; the Essex and Others Level Crossing Reduction Order

I am writing on behalf of Essex County Council (ECC) in relation to Network Rail's Anglia Level Crossing Reduction Strategy to formally object to the Transport and Works Act Order, usually known as the Network Rail (Essex and Others Level Crossing Reduction) Order, submitted to you by Network Rail in March 2017.

Unfortunately Network Rail's timescale and period for formal representations does not allow ECC to take a report to Full Council for approval of its formal response to the Order ahead of the 12th May deadline for submissions.

I have consulted with Councillor Eddie Johnson, Cabinet Member for Highways and Transportation, and in accordance with the ECC scheme of delegation I have the authority to make a holding objection, pending due consideration of this matter by full Council on 16th May 2017. I will write to you again after 16th May to let you know the council's formal position on an objection having considered the application at a meeting convened in accordance with s239 Local Government Act 1972 and s4.7 of the Department for Transport's Guide to TWA Procedures.

ECC officers have met with Network Rail on a number of occasions to discuss each of the crossings within the current Anglia Level Crossing Reduction Strategy programme leading to the development of improved options at several locations; however, there remain a number of locations where ECC is concerned that the current Network Rail proposal does not provide an appropriate alternative route. In these cases ECC is submitting a formal objection to the specific proposals contained within Network Rail's Transport and Works Act submission.

ECC objects to nine of the proposals on the following grounds.

- The excessive length of the proposed diversion route;
- The alternative route is unsatisfactory due to the lack of a safe alternative route such as, but not limited to, routes that require walking in the carriageway where this is considered to present a significant risk;
- The proposal would result in significant diminution of the connectivity of the PRoW/highway network;
- Proposals where alternative mitigation measures would be achievable and more appropriate; for example, a new bridge or installation of a pedestrian warning system;
- The proposals would result in significant loss of amenity value through the diminution of enjoyment for users and / or reduced access to green space for the physical and mental well-being of local communities;
- The proposal would result in an unreasonable increase in liability for the Highway Authority.

ECC's current position on each proposal and reason for its position is summarised in the attached Appendix.

In addition, there are a number of other crossings which are proposed for closure. In many cases the designs have not been finalised and commuted sums for future maintenance of new infrastructure have not been agreed. Therefore the Council objects to all proposals included in the order unless and until designs and commuted sums have been agreed with the County Council.

ECC anticipates requesting a public inquiry to be held to enable a full hearing of the case for each of the proposals to which it objects.

I have also been made aware of a number of local groups and representative organisations who have expressed specific local concerns with respect to one or more of the current proposals. I would ask that in addition to considering the content of this letter that you also give due consideration to the views expressed separately by Essex residents, businesses and other interested parties.

I would be grateful if you would kindly acknowledge receipt of this letter.

Yours faithfully,



Andrew Cook
Director, Highways and Transportation
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Appendix 1 - Summary of objections to be raised to the Network Rail (Essex and Others Level Crossing Reduction) Order

1. Footpath 12 and 22, Benfleet (Network Rail reference E30 Ferry and E31 Brickyard)

Location:	Benfleet, Castle Point
Network Rail ref:	E30 and E31 Brickyard
Affected Right of Way:	Footpath 12 Benfleet and Footpath 22 Benfleet
Other impacts:	Footpaths 22, 31 & 75, Bridleway 60 Benfleet
Description and reason for objection	Both E30 and E31 cross the railway line to the east of Benfleet station. This route is widely used providing access to Hadleigh Country Park. It forms a circular walk along the Thames Estuary, a through route connecting the country park with Canvey Island and a through route between Benfleet and Canvey Island. The proposed alternative route is much longer and urban in character and would result in a serious loss of amenity. Loss of both E30 and E31 would represent a significant loss of amenity. If the application for E31 is withdrawn then it would not be necessary to maintain an objection to E30.
Route Length	The current route length to use crossing E31 from the junction with Footpath 31 to junction with Bridleway 60 is 291m Diversion length approximately 1079m, being 622m public right of way (inc.39m shared with the marina access road) and 457m footway. The proposed alternative is significantly longer with an additional length of approximately 788m.
Safety issues	People using the E31 crossing have good visibility in both directions and there are safe waiting areas. Crossing E30 is currently subject to a temporary closure order made by ECC due to limited lines of sight and the availability of crossing E31.

	Walkers using the alternative will need to walk on the access road to the marina and may be required to walk in the carriageway on occasions. The proposed route crosses the entrance to the station car park presenting additional risk to pedestrians especially at peak times.
Other issues	The diversion route is more urban in character and requires the public to walk 39m along a road and to cross the access to the station car park.
Proposed Action	Object to proposals to close E30 and E31 to maintain access between Canvey Island and Hadleigh Country Park. If the application for E31 is withdrawn then it would not be necessary to maintain an objection to E30.

2. Footpath 23 at Rettendon (Network rail reference: E38 Battlesbridge)

Location:	Battlesbridge, Rettendon, City of Chelmsford.
Network Rail ref:	E38 Battlesbridge
Affected Right of Way:	Footpath 23 Rettendon
Other impacts	Footpath 8 Runwell
Description and reason for objection	E38 is located to the west of Battlesbridge on the Southminster branch line. It is proposed that the crossing will be closed and the path diverted on to A1245, using the A1245 bridge across the railway. This involves steep ascent and descent up the A1245 embankment, for which Network Rail propose to provide steps. There is no footway on the bridge. A 60mph speed limit applies to the A1245 in this location which is a busy and fast road. The loss of crossing E38 would represent a significant loss of amenity. The diversion route is seven times as long as the existing route. The necessary provision of steps by could also limit the accessibility of the public right of way to some users and no equality impact assessment has been provided. Network Rail has not supplied details of barrier amendments or a new barrier design that meets safety requirements.

Route Length	The current route length that Network rail wishes to extinguish is 49m. The diversion to achieve same connections as above is 344m with 195m proposed new footpath and 149m new footpath/footway alongside the A1245. The proposed alternative is significantly longer with an additional length of approximately 295m
Safety issues	The proposed route requires walking on or adjacent to the A1245. The bridge lacks appropriate pedestrian facilities and carries a road with a 60mph speed limit. There are no detailed plans to provide them.
Other issues	Road walking alongside the A1245 plus steps up to/down from the A1245.
Proposed Action	To object to Network Rail's proposal to close E38.

3. Footpath 7, Alresford (Network rail reference: E42 Sand pit)

Location:	Alresford, Tending.
Network Rail ref:	E42 Sand pit
Affected Right of Way:	Footpath 7 Alresford
Other impacts:	Footpath 16 Elmstead
Description and reason for objection	E42 is located to the west of Alresford on the Clacton / Walton branch line. Footpath 7 passes northwards from Alresford Road crossing the railway line to provide access towards Elmstead Footpath 16 and connecting public right of way including woodland walks. Network Rail's proposal diverts walkers on to a new field edge footpath and then on to the verge adjacent to Alresford Road. Walkers are required to cross the railway via the Alresford Road bridge which is narrow and where there is no footway or appropriate refuge area giving rise to a significant safety risk. At this point Alresford Road is subject to the National Speed Limit (60mph)

	ECC's safety assessment recommends that the proposed route is not used unless a formal footway is provided along Alresford Road. In practice this would require either widening of the current bridge or the provision of a separate adjoining footbridge. In addition the loss of crossing E42 would represent a significant loss of amenity as it replaces country walking with roadside walking.
Route Length	The current route length that Network Rail wishes to extinguish is 329m. The diversion length to achieve same connections as above is 802m or 535m to connect to Bridleway 13 Alresford . Additional walking required is therefore 206m for Network Rail's option and 473m to retain existing connections.
Safety issues	The safety assessment identified a number of road safety issues: • Use of the existing highway bridge does not enable pedestrians to step off the carriageway to avoid vehicles. The likelihood of being clipped by vehicles is exacerbated by the restricted width of the bridge number of HGVs and buses using this route. • The new footpath requires pedestrians to enter onto Alresford Road on a blind bend which is an historic casualty reduction site owing to the number of accidents. • NR propose that a 40mph speed limit is imposed in this location; however, the highways view is that many drivers are unlikely to comply with this limit in this location without enforcement. The police have limited resource to enforce. In any event, and a 40 mph limit will not improve visibility or provide a refuge for pedestrians.
Other issues	The route northwards towards Elmstead Footpath 16 and connecting public right of way including woodland walks is made substantially less convenient.
Proposed Action	To object to Network Rail's proposal to close E42.

4. Footpaths 4 and 5 Alresford, (Network rail reference: E43 High Elm)

Location:	Alresford, Tendingr.
Network Rail ref:	E43 High Elm
Affected Right of Way:	Footpaths 4 and 5 Alresford
Other impacts:	Footpath 20 Frating
Description and reason for objection	E43 is located to the east of Alresford on the Clacton / Walton branch line. The route passes northwards from the edge of Alresford crossing the railway line to provide access towards Footpath 20 Frating and connecting public right of way including woodland walks. The proposed alternative is 6 times as long with an additional length of approximately 1,015m and requires significant road walking; approximately 543m of footway alongside the B1027, 2 road crossings over the B1027 both at or close to junctions, and the crossing of other roads/private vehicle access roads. Footpath 4 would become a dead end path. Access to the very attractive woodland section of Footpath 4 would become a dead end. The access to the wider countryside via Footpath 20 Frating is rendered inconvenient. The proposed route is inappropriate and the loss of E43 would represent a significant loss of amenity.
Route Length	The current route length of the section Network Rail wishes to extinguish is 202m. The diversion length to maintain connectivity is 1,217m The proposed alternative is significantly longer with an additional length of approximately 1,015m
Safety issues	The safety assessment identified a number of road safety issues: • The B1027 has a 40mph limit but is wide and has a high traffic flow. • The location of the existing footway on the diversion route means that pedestrians are required to cross the B1027 twice. • The plans for pedestrian islands do not contain enough detail to enable assessment. Potential hazards

	with these refuges include injuries from: walkers being clipped by passing motorists, motorists colliding with the island bollards, increased risk during darkness if not illuminated or no bollards, trip hazards and additional risks for partially sighted users. The crossing is on a branch line with slower, less frequent trains.
Other issues	The alternative route requires significant road walking; approximately 543m of footway alongside the B1027, 2 road crossings over the B1027 both at or close to junctions, and the crossing of other roads/private vehicle access roads. The proposed route also makes use of 390m of existing the Footpath (FP5 Alresford) shared with an access road to homes and businesses. Footpath 4 becomes a dead end path. Access to the very attractive woodland section of Footpath 4 as well as the access to the wider countryside via Footpath 20 Frating is rendered inconvenient.
Proposed Action	To object to Network Rail's proposal to close E42.

5. Footpath 19, Wrabness

Location:	Wrabness, Tendring.
Network Rail ref:	E48 Wheatsheaf
Affected Right of Way:	Footpaths 19 Wrabness
Other impacts	Footpaths 1, 4, 12 & 13 20 Wrabness
Description and reason for objection	E48 is located west of Wrabness on the Harwich branch line. Wrabness is a popular walking area with access to the Stour estuary and the recent addition of the nearby 'Julie's House' (an art installation/landmark property by the Essex artist, Grayson Perry) adds to the number of visitors and potential public right of way users. E48 provides access to the wider public right of way network including those with estuary views and a wooded area to the north of E48.

	The proposed diversion requires a significant diversion to the east, is approximately three times as long and requires 608m walking along Dimbolls Hall Lane and Church Road most of which has no footway. The proposed route is significantly less convenient and the loss of E43 would represent a significant loss of amenity.
Route Length	The length of the route NR wish to extinguish is 369m The proposed diversion to achieve the same connectivity as above is 1,056m, of which 608m uses existing roads and 448m is a proposed new footpath. The proposed alternative is significantly longer with an additional length of approximately 687m The proposed route necessitates a significant diversion eastwards before returning to connect with the retained section of Footpath 19.
Safety issues	The safety assessment identified a number of road safety issues: • a lack of footway and relatively high verges may make it difficult for pedestrians to step off the carriageway, especially in summer. Pedestrians passing each other may step into the path of oncoming vehicles. • Ditch crossing where the proposed new footpath meets Church Road may be a hazard and hedges may obscure visibility. • The footway over the vehicle bridge on Church Road is narrow The crossing is on a branch line with slower, less frequent trains.
Other issues	Wrabness is a popular walking area with access to the Stour estuary and the recent addition of the nearby 'Julie's House' (an art installation/landmark property by the Essex artist, Grayson Perry) adds to the number of visitors and potential public right of way users. Access to the wider network and other local public right of way including those with estuary views and access is substantially less convenient by the use of this diversion proposal and the wooded area north of the railway line, though retained as part of Footpath 19 may as a consequence not be enjoyed and used.
Proposed Action	To object to Network Rail's proposal to close E48.

6. Footpath 11, Wakes Colne (E51 Thornfield Wood)

Location:	Wakes Colne, Colchester Borough
Network Rail ref:	E51 Thornfield Wood
Affected Right of Way:	Footpaths 11 Wakes Colne (Colchester)
Other impacts	Footpaths 11, 12, 13 Wakes Colne & 24 Mount Bures
Description and reason for objection	E51 is located to the north of Wakes Colne on the Marks Tey to Sudbury branch line. The crossing is part of an extensive network of rights of way within the Stour Valley and is close to the Dedham Vale Area of Outstanding Natural Beauty (AONB). The area attracts large numbers of walkers and tourism is a significant component of the local economy. Footpath 11 and the Thornfield Wood crossing is an important east-west connection that accesses the very pleasant walk through Thornfield Wood, which also has permissive routes through it, as well as linking to safe, off-road routes such as Footpath 13 to the south. The proposal would see the creation of 949m of new footpaths to enable crossing of the railway line via a substantial diversion to Jankes Green Lane. The proposed diversion route is almost 31 times the distance of the existing route. The diversion proposal is so substantially less convenient as to be unreasonable and will serve to deter usage and enjoyment of the connecting network and the loss of E51 would represent a significant loss of amenity.
Route Length	The length of the route that Network Rail wishes to extinguish is 38m. The length of the diversion to achieve the same connectivity as above via the proposed route is 1,188m, via a substantial diversion to the north.

	The proposed alternative is significantly longer with an additional length of approximately 1,150m. Road walking and road crossing is required using Jankes Green Lane where walkers are likely to have to walk in the carriageway as not parts of the verge are walkable and Network Rail have no plans to tackle.
Safety issues	The safety assessment identified a number of road safety issues: • The verge is very high and there is no opportunity to step out of the path of vehicles leading to the risk of vehicles striking pedestrians and injuries. • The proposed route is used by large agricultural vehicles. The crossing is on a branch line with slower, less frequent trains and the location is quiet, away from habitation, making it easier to hear approaching trains.
Other issues	Footpath 11 and the Thornfield Wood crossing is an important east-west connection used to access the very pleasant walk through Thornfield Wood, which also has permissive routes through it, as well as linking to safe, off-road routes such as Footpath 13 to the south. The diversion proposal is so substantially less convenient as to be unreasonable and will serve to deter usage and enjoyment of the connecting network It was discernible from the site inspection that a ditch crossing and tree clearance would be required on the proposed new route north of Footpath 24 Mount Bures towards Jankes Green lane. The route is currently ploughed up to field boundaries.
Proposed Action	To object to Network Rail's proposal to close E51.

7. Footpath 11, Wakes Colne (E52 Golden Square)

Location:	Mount Bures and Wakes Colne, Colchester Borough
Network Rail ref:	E52 Golden Square
Affected Right of Way:	Footpaths 21 Mount Bures & Footpath 7 Wakes Colne (Colchester)
Other impacts	Footpaths 2 and 8 Wakes Colne Footpaths 22 & 23, Bridleway 35 Mount Bures

Description and reason for objection	E52 is located to the south of Mount Bures on the Marks Tey to Sudbury branch line. The crossing is part of an extensive network of rights of way within the Stour Valley and is close to the Dedham Vale Area of Outstanding Natural Beauty (AONB). The area attracts large numbers of walkers and tourism is a significant component of the local economy. Footpaths 7 and 21 are crucial east-west links in the wider network, links which the NR proposal does not reasonably compensate for the loss of crossing E52. The proposal would see the creation of 1,440m of new footpaths to enable crossing of the railway line via a significant diversion using Dowling Road & Roberts Hill/Fordham Road. The proposed diversion route is three times the distance of the existing route The diversion proposal is so substantially less convenient and hazardous as to be completely unreasonable and will serve to deter usage and enjoyment of the connecting network and to in effect truncate the network east to west. The loss of E52 would represent a significant loss of amenity.
Route Length	The length of the route that Network Rail wishes to extinguish is 700m The length of the diversion to achieve the same connectivity as above via the proposed route is 2,370m . The proposed alternative is significantly longer with an additional length of approximately 1,670m. 930m of road walking and road crossing is required using Dowling Road & Roberts Hill/Fordham Road where walking in the carriageway is likely due to the variable nature of the verge.
Safety issues	The safety assessment identified a number of road safety issues: • The verge is non-existent and the route heavily tree-lined. There is no opportunity to step out of the carriageway to avoid vehicles leading to pedestrians being struck by vehicles and injury. • Many agricultural vehicles noted using the route. • The proposed new footpath to replace Footpath 7 exits onto Chappel Road by a property boundary hedge with resultant poor visibility for pedestrians and drivers and the consequent possibility of a collision. The crossing is on a branch line with slower, less frequent trains and the quiet location, away from habitation, is an aid to hearing approaching trains.

Other issues	Footpaths 7 and 21 are crucial east-west links in the wider network, links which the NR proposal does not reasonably compensate for the loss of E52.
Proposed Action	To object to Network Rail's proposal to close E52.

8. Footpaths 27, 28 and 42, Ardleigh (E56 Abbots)

Location:	Ardleigh, Tendring
Network Rail ref:	E56 Abbots
Affected Right of Way:	Footpaths 27, 28 & 42 Ardleigh (Tendring)
Other impacts	Footpaths 7,8,10,11,12,29,31,39,49 & 51
Description and reason for objection	E56 is located to the south-east of Ardleigh on the London to Norwich mainline (Great Eastern mainline). The crossing provides footpath access linking Ardleigh to the west of the railway with an extensive rights of way network radiating out from the eastern side of the crossing. Footpath 27 and Abbots crossing have a pivotal position in the local public right of way network and the diversion route is substantially less convenient and in no way mitigates the potential loss of this crossing point. The diversion route is also significantly longer than the existing route and a large proportion of the route is on footways adjacent to roads, the character of the proposed route is completely different from the rural route Network Rail is seeking to replace. The importance of E56 to the local public right of way network means that ECC believes that a pedestrian bridge should be considered at this location.
Route Length	The length of the route that Network Rail wishes to extinguish is 900m. The length of the diversion to achieve the same connectivity as above via the proposed route is 2,320m including 160m along Little Bromley Road, 1,526m of new footpath and 634m using existing footways adjacent to Harwich Road.

	The proposed alternative is significantly longer with an additional length of approximately 1,420m.
Safety issues	The safety assessment identified a number of road safety issues: • The verge is relatively high and there would be little opportunity for pedestrians to step out of the carriageway to avoid vehicles, especially in summer, leading to pedestrians being struck by vehicles and injury. The same issue applies where pedestrians wish to pass.
Other issues	The diversion route is significantly longer than the existing route and a large proportion of the route is on footways adjacent to roads, the character of the proposed route is completely different from the rural route Network Rail is seeking to replace. Footpath 27 and Abbots crossing has a pivotal position in the local public right of way network and the diversion route is substantially less convenient and in no way mitigates the potential loss of this crossing point. The crossing was well used until recently when it was temporarily closed by ECC at the request of Network Rail as a result of local residents objecting to passing trains sounding their horns as they approached the crossing. The only way to stop the sound was to close the crossing. The loss of this right of way is however viewed as a significant loss to local public rights of way and the Council believes that a bridge should be installed at this location. The Great Eastern mainline is a 100mph railway with very frequent trains including long freight trains.
Proposed Action	To object to Network Rail's current proposal to close E56. The importance of E56 to the local public right of way network means that ECC believes that a pedestrian bridge should be provided at this location.