

My name is Katherine Evans, I am the Chair of the Essex Local Access Forum (ELAF).

Local Access Forums (LAFs) were established under Section 94 & 95 of the Countryside and Wildlife Act (CROW Act) 2000.

A statutory function of a LAF is to advise on.. *the improvement of public access to land in that area for the purposes of open-air recreation and the enjoyment of the area.*

Regulation 22 of the Local Access Forums (England) Regulations 2007 extended the statutory function of LAFs such that forums can give advice on public access to land for "any lawful purpose". This means that forums can advise on public access issues holistically - for example by advising on the improvement of public access on foot, bicycle or horseback for functional purposes (e.g. to get to a place of work or local amenities). In some cases, access can be by mechanically propelled vehicles (e.g. via byways open at all traffic (BOATS)).

The "area" of the Essex LAF (ELAF) is the current area of Essex County Council. There are about ~~42~~ 40 crossings in the ECC area in this TWA Order.

These ELAF proofs do **not** cover crossings in this TWA Order in the Unitary Authorities of Southend-on-Sea or Thurrock, nor in Hertfordshire. Crossings in the London Borough of Havering are also not included - London Boroughs are not required to have LAFs (Local Access Forums).

ELAF have submitted two proofs and a rebuttal proof.

My proof, references Network Rail's document **NR 17 Transforming Level Crossings 2015 - 2040** .. A vision-led long-term strategy to improve safety at level crossings on Great Britain's railways

Two of the 9 key elements in this strategy document specifically mention passive level crossings (p2)

- Working to a time bound framework for making all passive crossings 'active', providing clear warnings of approaching trains and replacing telephones and whistle boards to reduce the likelihood of human error
- Prioritising the elimination of passive crossings on high speed lines and at stations.

In my proof in Table B, I itemise 12 crossings that NR are proposing to close in this TWA Order that are on (branch) lines, with a NR stated maximum line speed of 60mph or less. 60 mph is national de-restricted speed limit for all roads (motorways being 70mph).

In Tables C1 and C2, I list a further 17 crossings that NR are proposing to close in this TWA Order that are on lines with (maximum) line speeds of between of 70 and 75 mph. If the two private crossings are removed, this is 15 non-vehicular NMU / WCR at-grade crossings.

On page 12 of NR17, NR define high speed lines as those above 100mph

All of the public level crossings proposed for closure in this TWA Order in the county of Essex are passive crossings - with the exception of E41 Pagets.

ELAF submits that **NR are not following their own strategies and vision for passive level crossings in this TWA crossing closure Order.**

- None of the crossings are at stations and most are none are on high speed lines i.e. lines with a current maximum maximum line speed above 100 mph high speed lines.
- NR are not seeking to make any passive crossings 'active'.

NR17 talks of a holistic approach

Section D of my proof considers the crossings in the TWA Order on the line in the Stort valley between Roydon and Harlow. Areas of Open Access land (CROW Act) and ancient Common Lands and SSSIs are on the north of this line, much of which is in the flood plain. Four crossings are identified in the TWA Order - one of which, E03 Saddlers, has been removed from the Order. There are several other at grade crossings on this stretch of line including Wildes crossing and Roydon Lock. Harlow urban area is to the south and east. The new town of Gilston is proposed just to the north primarily in Hertfordshire.

ELAF consider that smaller "bite-sized" holistic approaches covering ALL crossings over smaller stretches of line & so over smaller geographic areas, would facilitate positive engagement with landowners, planners, local communities and wildlife / countryside organisations. Such a bit-sized approach, could potentially deliver the safety & efficiency improvements sought by Network Rail as well as improved access for local people in a faster, friendlier and more positive manner.

Concerning the ELAF REBUTTAL PROOF submitted last October:

Section 2 of ELAF's rebuttal proof highlights ELAF's concerns, also stated in ELAF's letters to NR of August 2016 and May 2017, about **the lack of time and inadequacy of public information** during this whole process.

As far as I am aware, there has been no information in the press, sent to Parish Councils or posted at the crossings contained in this Order that this Inquiry is resuming. This inquiry has and is still generating a vast amount of documentation.

ELAF remain concerned that the overwhelming scale of this Order, both geographically and in the number of crossings, and the formality of the Inquiry process with legal Counsel being involved, does not encourage a positive constructive engagement between Network Rail and local communities, NMU users and landowners.

In Section 1 of ELAF's rebuttal proof, concern is expressed about the non-suitability of proposed alternative routes that require pedestrians to walk on roads (carriageways) with no pavements or verges and using railway bridges that are narrow and also often without any pedestrian refuge space. ELAF's concern was stated in our objection letter to NR of 10 May 2017.

ELAF reference proof NR32-1 by Ms Tilbrook of Mott MacDonald and the RSA and ATC data. It is noted that paragraph 1.6.8 (page 4) of NR 32-1 states that:

The need to carry out a road safety audit (RSA) was considered for each concept solution by a road safety specialist within the Mott MacDonald design team....

Much has been said over the past days on the topic of road safety and RSAs and the organisation surrounding the RSAs. I will not repeat ELAF's concerns as stated in our rebuttal proof - but simply note that ELAF support the concerns expressed by the other objectors. We ask that crossings are only closed where the desire line alternative is perceived as safe, suitable and convenient.

Section 3 of ELAF's rebuttal proof addresses access issues. Reference is made to proof NR32-1 by Susan Tilbrook of Mott MacDonald, which outlines the criteria as to when a Diversity Impact Assessment (DIA) was to be carried out. Paragraph 1.6.5 [page 4] states that a DIA scoping exercise was undertaken..

" to provide a preliminary assessment of the likely impact that closure of each level crossing could have on their surrounding communities and to determine which of the level crossings may require a full DIA".

For many of the crossings in this order, no DIA was carried out as the initial scoping study concluded that...

"... a DIA was not considered necessary at this crossing due to the current restricted accessibility of the existing crossing route".

An existing route often seemed to be considered as having "restricted accessibility" because:

- of stiles and steps at crossings.
- of footpaths on either side of a crossing that are variously described as grassy, overgrown, uneven, unpaved, muddy, across open fields.
- it was assessed as unsuitable for wheelchair or pushchair users.

The provision of stiles rather than gates or kissing gates and steps rather than ramps at the existing crossings is a matter that Network Rail could have and arguably should have addressed as regards the Equality Act and the British Standard for Gaps, Gates & Stiles BS5709:2018.

ELAF's expectation is that the alternative routes will provide improved accessibility - with no stiles and minimal steps.

There has been considerable discussion about path and verge widths.

The ECC Development and Public Rights of Way - Advice note for developers and development management officers - which is Appendix B of ELAF's rebuttal proof - says on page 5:

The required width for a new/diverted footpath is 2 metres, which is Essex County Council policy. A width of 3 metres is required for a bridleway.

As stated in the rebuttal proof, in the interests of safety, convenience and equality of access for all, ELAF would wish to see a consistent minimum width of 2 metres applied to all alternative pedestrian routes.

Also as stated in the rebuttal proof, ELAF would also wish to see a commitment to the provision of slopes / ramps on alternative routes with gradients no steeper than 5% (1 in 20) rather than steps. Again see the ECC Development and Public Rights of Way - Advice note for developers and development management officers page 6:

- *Paths should have a longitudinal gradient not steeper than 1 in 20 and cross gradient not steeper than 1 in 40. Steps should be avoided.*

Both of these features would also be in keeping with Theme E of the ECC ROWIP - as included in ELAF's Proof of Evidence 1 (Sue Dobson):

- *Theme E: Provide an accessible network that meets the requirements of all users – to provide a continuous network that is accessible to all, increasing public use and economic benefits to rural areas*