

ESSEX LOCAL ACCESS FORUM (ELAF) CLOSING SUBMISSION - 8 February 2019

In closing, ELAF (OBJ 142) re-iterate points made in:

- (i) ELAF's objection letter of 10 May 2017, to the Secretary of State regarding the Network Rail proposed closure of at-grade crossings, mainly foot crossings, by means of a TWA Order.
- (ii) ELAF's opening submission & appendices.
- (iii) ELAF's statement of case - 2 documents & appendices.
- (iv) ELAF's specifically object to the closure of crossings E16+E17+E19+E20 on the grounds of prematurity and the removal of historic north-south links. ELAF request that these crossings are removed from this TWA Order.

These crossings are four of several at-grade crossings - non-vehicular & vehicular - that are in close proximity to the A12 between J19 Boreham & J25 Marks Tey. This stretch of the A12 is due to be widened and improved by Highways England. The A12 improvement has been delayed by the ongoing Inquiry into the proposed new Garden Communities, which includes one in the vicinity of J25 Marks Tey.

In addition, E16 & E17 are near the location of the proposed new Beaulieu Park railway station & the ongoing Beaulieu Park development. E19 & E20 are near the proposed new A120 & A12 junction.

These developments and infrastructure should be progressed in a holistic joined-up manner.

1. In many cases, Network Rail are planning to maintain connectivity by **requiring pedestrians to walk on roads (carriageways) with no pavements or verges** and/or under railway bridges / underpasses that are narrow and are without adequate footways / pedestrian refuge space / height / width. This shows a lack of regard for the safety of the public with an increase in the likelihood of dangerous vehicle & pedestrian accidents. The Rail Safety Standards Board report states that there were **3 level crossing fatalities in 2015-16**. Most incidents are suicides and these very rarely happen at PRoW level crossings. By comparison, there are many more road accident fatalities and Network Rail's proposals are sending people onto roads.
2. The proposed crossing closures will severely damage the public's access to and hence ability to enjoy our wonderful countryside on freely available public footpaths and bridleways. This is at a time when the **health benefits of walking** and exercise are being increasingly recognised and considerable tax monies are being spent to promote and encourage exercise.

Sections 60-62 of the CROW Act 2000 introduced the requirement for Highways Authorities to produce a Rights of Way **Improvement** Plan (ROWIP). DEFRA guidance is that Local Access forums should champion ROWIPs. ELAF considers that Network Rail's crossing closure programme contradicts the purpose of a Rights of Way **Improvement** Plan as stated in the CROW Act and as in the Essex County Council ROWIP, particularly in respect of:

Theme D. A more continuous network

Theme E: Provide an accessible network that meets the requirements of all users

ELAF contend that many of the proposed alternative routes are NOT safe, suitable and convenient.

3. During the Inquiry it became clear that the crossings in the TWA Order had not been selected on safety grounds. The crossings were selected by Network Rail because there is a non-at grade crossing not far away up or down the railway line and so NO bridging or underpass works were required on the railway line. The few bridges that are proposed are over drainage ditches /watercourses. Height differences are dealt with by steps rather than by ramps which is against the spirit of accessibility for all. With no major engineering works proposed, the ELAF sees no need to use an Act whose purpose is to enable major works and infrastructure projects like HS2.

The crossings included in the TWA Order are quite widely scattered over the railway lines in Essex. The line characteristics vary from the high speed London - Ipswich & beyond main line, lesser main lines like the Southend lines down to single track branch lines with limited timetabled train movements. ELAF contend that this scattergun approach does not facilitate the operational efficiencies that Network Rail are seeking and does not enable a holistic approach for a section of line, with new bridges, etc as required, in order to truly improve operational efficiency whilst having due regard to how people move around in an area.

4. Sections 118A and 119A of the Highways Act 1980 are procedures specifically for the closure and diversion of public rights of ways that cross railway lines. ELAF contend that, with the geographic scattering of the mainly footcrossings in this TWA Order, **these established procedures should have been used** instead of the procedures of the Transport and Works Act.

Section 118A, rail crossing extinguishment orders, requires that regard be given as to whether it is **reasonably practicable to make the crossing safe** for use by the public – a regard that is apparently not required by the Transport and Works Act. If safety is an issue at a crossing, then before closing crossings and disrupting the public right of way network, **Network Rail should demonstrate that regard has been given to increasing the safety of the crossings by use of light signals, interlocking gates, train sensor technology, etc.**

5. 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. The lack of an apparent rationale for the selection of the crossings in the Order does not help a positive engagement.

ELAF are additionally concerned:

- about the opacity of the final details for some of the proposed alternative routes (e.g. steps - number & height & widths, verge maintenance, road crossings & visibility).
- about the lack of public record of verbal undertakings given during the Inquiry.
- that the alternative routes do not increase "accessibility for all". As said in ELAF's spoken statement of 5 October 2018, 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. And, as stated in ELAF's rebuttal proof of October 2017, ELAF would also wish to see the provision of slopes / ramps on alternative routes with gradients no steeper than 5% (1 in 20) rather than steps.