

# WIVENHOE TOWN COUNCIL

## DOCUMENT OBJ/029 – W1 – 4

**Peter Kay**

### **Proof of Evidence (summary) as amended 3.10.2017**

The basic fact about Paget Road is that, until NR started on its mass level crossing closure programme in 2012-14, this crossing had existed for 150 years without being a problem to its users, or to the operation of the railway, or to the Wivenhoe community at large.

But NR have at a stroke turned it into a nuisance to railway operation and a source of noise torment to a large % of the people of Wivenhoe, and they now want to eliminate its users altogether.

Network Rail's Statement of Case, despite its massive length, really only succeeds in highlighting the lack of any attempt by NR to present any detailed argument for the closure of each individual crossing (in the same way as would be done for an inquiry into *one* crossing closure scheme only). The bulk of the material provided by NR is rather of a generalised nature, explaining why *some* level crossings can be dangerous. Much of it naturally relates to *vehicle* crossings, which are far more risky than footpath crossings (but quite irrelevant to the present inquiry). It would seem that NR consider that, by making generalistic comments about the actual and potential risks and nuisances *of level crossings at large*, they have produced a 'case' for shutting each crossing included in the draft order, irrespective of the fact that most of the problems will not actually be applicable at any one individual crossing!

In view of the attitude displayed by NR personnel at the consultation process, which was effectively 'these crossings will be closed whatever you people say', we can only assume that this lack of a presented case arises from NR not thinking it necessary to participate fully in the inquiry process, having started off by assuming that everything would be rubber-stamped.

**Our fundamental contention is that the question of whether any crossing with a long history is 'safe' or not is one that can be decided principally as a matter of historical fact.**

NR in contrast rely entirely on a system of theoretical calculations creating a parallel universe in which a record of 0 incidents in 150 years can nevertheless be presented as *especially* dangerous.

In this type of parallel universe one could equally make out a case for the 'extreme danger' of travelling along or crossing over any road in the country, let alone such famously frequent causes of death as walking downstairs at home. *Even if somebody were killed at Paget Road tomorrow, it would still not be high on the list of local and personal lifestyle threats to life and limb.*

The *reason* why NR (and the ORR) have acquired this distorted mindset is that they as organisations are required by government to minimise the risks to people *on NR property* – not to minimise the overall net risk of anything going wrong from people doing what they have to do. **They are directed in essence to ensure purely that accidents take place *off* NR property and not on it.** It has become a matter of national notoriety that they will happily force people to walk along roads where there is more danger than there is on a foot crossing that they are seeking to

close, and this has been beautifully re-emphasised in the local part of the current scheme in respect of crossing E42 and the proposed diversion of walkers over the Alresford Road bridge. (They were even able to find supposed road safety experts who could visit the bridge and solemnly declare that there was no evident danger in walking along it!).

Only *our* common sense and vigilance has stopped this E42 scheme.

Even less do NR consider themselves under any obligation to balance the *convenience* of the public against the real or alleged risks.

In contrast, the SoS in making a decision on the draft order is in no way bound to follow this myopic approach – indeed it is his duty to balance all the factors involved, **including road safety**, in a rational manner.

In our objection letter and full proof of evidence we have gone into all necessary details on why the closure of Paget Road would do little for NR's overall objectives, and I will not repeat the facts and figures verbally this morning.

The 50mph speed limit through Wivenhoe, which is the main cause of the crossing's unacceptableness on NR's claims, is itself an anachronism based on the pre-1984 situation when most London trains did not call at Wivenhoe and there were many extra fast trains to Clacton on summer weekends, so that maximising the speed of non-stopping trains was a priority. To achieve this (quite high) limit the track was (and still is) heavily canted, producing a large gap between train and platform that is a danger to small children and old people, and prevents some people from using the station altogether. Now that all passenger trains stop anyway, H&S and disability issues require that the cant should be reduced, and that will require a modest reduction in the speed limit, which will in turn render the crossing compliant.

On the usage front, the essential facts about Paget Rd are that usage is far too high to justify closure on grounds of minimal usage, but not high enough to cause concern.

NR's surveys have also demonstrated a notable absence of 'vulnerable users' (which ties in with our own experience).

Whilst the extra mileage forced on people made to use the alternative routes would not be lengthy (per trip) in comparison to the diversion lengths on some of the other footpaths, the people using Paget Rd are mostly regular daily users making ordinary 'real' journeys for personal business, not occasional country walkers, or dog walkers out to do mileage for the sake of it. The combination of this, plus the numbers involved, would make closing Paget Rd probably the *largest* source of unnecessary extra *person-mileage* of all the crossings before the inquiry.

We would agree that if Paget Rd were to be closed, the High St would be as significant or more so as a diversionary route for former users than Anglesea Rd. That in practice means the *east* side of the High St, as only people to/from the area east of the High St would be using Paget Rd currently. **The east side pavement (or absence of!) in the High St makes it as a pedestrian route probably in much the same league as using Paget Rd, in terms of definable 'safety'.** *It would remain so even if the proposed NR works were carried out*, as there is no proposal to widen the narrowest portion of the pavement between the south abutment of the bridge and Alma St, or to do anything about the section with no pavement beyond.

In summary, Paget Rd is not a problem that needs solving.