

## **Proof of Evidence**

Network Rail Level Crossing Closures – Essex

Colchester Borough Council

### **Crossing E52 Golden Square**

#### **Paul Wilkinson**

1. I am Colchester Borough Council's Transportation Policy Manager working in the Spatial Policy team. I have worked with Colchester for the last 11 years and previously with Essex County Council for 16 years on a range of transportation projects, more latterly assessing planning applications and developing the local plan. I am a member of the Chartered Institution of Highways and Transportation with a broad knowledge of a range of modes of transport.

#### **Context**

2. The Borough Council has been very supportive of travel by train working closely with the Network Rail and Train Operating Company on a number of local projects, such as Station Travel Planning, Station enhancements, and Local Plan growth. The Borough Council has also supported the Rail Prospectus for East Anglia to see increased performance, capacity and quality of service across the rail network, especially on the mainline. The Borough Council has considered all of the applications to close crossings and has taken a balanced view, between risk, loss of amenity, strategic need and understands the highly sensitive nature of accidents at crossings and the financial impacts on Network Rail that accidents can cause. The Borough Council recognises the high speed nature and demands on the Great Eastern Mainline, the lower frequency Colchester Clacton/Walton line and the totally different context of the Marks Tey to Sudbury, "Gainsborough" Community Rail Partnership Line.
3. Taking the range of issues into consideration the Borough has not objected to the mainline closures where there is an accepted high risk and where closures should be targeted (NR17 section1) and only objects to closure of crossings away from the mainline.

#### **E51 Thornfield Wood, Wakes Colne**

4. This crossing is on Sudbury/Marks Tey branch line where two trains pass the crossings in one hour (one in each direction) at upto 50mph. Network Rail have not demonstrated specific safety issues to warrant the closure; diversions require the use of roads and require investment to create new routes.

## The Risk

5. The All Level Crossing Risk Model (ALCRM) system rates this passive crossing as D10, where the 'collective risk' is assessed as being low. The Council consider that the risk to the crossing user is now being transferred to the highway network. By NR's assessment Golden Square is does not fit in the high risk category.
6. We believe that closing this low risk crossing does not fit with Network Rail's Statement of Case for managing and reducing accidents at Level crossings. The crossing should not be closed but could be upgraded.
7. The NR vision in Transforming Level Crossings 2015 to 2040 is for no accidents at level crossings (NR17 section3, page 6). The vision does not immediately state closing crossings – the milestone of activities suggest that the improvements will be made to "passive" crossings by 2030 and automatic user based warning systems introduced by 2039.
8. Network Rail's Mission goes on to state (NR17, page 6)
  - a. It will seek to resolve all existing level crossing issues through holistic, risk-based implementation strategy
  - b. Take cognisance of societal needs in the 21<sup>st</sup> century, together with available technology
  - c. Take account of Network Rail wider Group strategy and sustainability plans.
9. Essex County Council as Highway authority have objected to the closure of the crossing. The ECC road safety audit identifies a safety issue transferring the risk to a long section of tree lined road with little refuge. ECC find the risk unacceptable to transfer the risk from a short railway crossing to a long length of road. The issue would be compounded in the summer months by growth and movement of agricultural vehicles.
10. Paragraph 29 of Network Rail's statement of case (NR26) states ....*as trains have become faster, quieter and more frequent there is no longer the relative safety of the 1800s and the way the public use level crossings has fundamentality changed. The law and society has become more concerned with safety.....*
11. This is a broad statement about the rail network. The branchline speed has not increased for decades being limited to 50mph. Frequency of passenger trains has increased to one an hour on a more regular pattern. However, the change in rail operation should be balanced by the significant growth in car and vehicle ownership and usage since the 1800s especially in the post war period.

### **The Loss of Amenity**

12. The diversion is an additional 1900m - 16 times the distance of the existing route and is not considered realistic. The crossing is part of a very long established Public Right of Way system in the parish of Wakes Colne (see appendix A).
13. Societal needs of the 21<sup>st</sup> encourage active healthy lifestyles including walking. A review of Rural Issues by the February 2013 Policy Review and Development Panel identified protection and maintenance of footpaths as a priority, giving access to the countryside, and the ability to enjoy the countryside. Closure of crossings and creating illogical lengthy diversions of footpaths does not improve this access. A link to the report can be found in the appendix C.
14. The public right of way is a key feature of the countryside, and the protection and enhancements of routes is supported in the Publication Draft Local Plan, Policy ENV3 Green Infrastructure. The Essex County Council Rights of Way Improvement Plan seeks to provide a continuous network to promote the health and social benefits to local communities. The closures result in network dislocation inhibiting the provision of continuous network and compromising the effectiveness of the network' role in increasing public use and economic benefits of the rural area.
15. Golden Square Crossing and Thornfield Wood Crossing are integral parts of the public rights of way network connecting to the much treasured and popular attraction of the Dedham and Stour Valley Area of Outstanding Natural Beauty (AONB). The crossing provides access to the wider public rights of way network and the Stour Valley Path. We do not believe that the diversionary route is an alternative or practical as suggested in the Vision Led commitments (NR17, section 3 page7).

### **Network Rail's Strategic Case**

16. We believe that the proposal to close this crossing is not in line with Network Rail's own Strategy – Executive Summary (NR17 section 1 page 2):

The key elements of the level crossing safety strategy include:

- *Continued focus on targeted level crossing closures*
- *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 line and at stations*
- *Improving the underfoot conditions and signage, including the marking of danger zones to raise user knowledge and situational awareness – reducing the opportunities for human error.*

17. The closure and diversion in this case is not following the strategy:

- Closures should be targeted where there is higher risk
- The strategy allows for passive crossings to be made active
- The crossing is not on high speed line nor is it at a station
- The strategy suggests improvements to crossings

### **Wider Rail Objectives - The Anglia Rail Study**

18. Network Rail SoC (NR26) sets the need to assess crossings in the light of improving speed and frequency of trains covered in Capacity and Network Development (para 84 and NR24).

19. The operation of the branch is restricted by the lack of passing loops to allow trains to pass and offer a more frequent service. It currently takes a train 19 minutes (stopping at the two intermediate stations) to travel between Marks Tey and Sudbury with a 4 minute dwell time at Sudbury. The line can only be used by one train at a time and is operated “one train working” and “one train in section” (Figure 21 Network Rail 2009 Route Plans). The combination of current infrastructure, speed and signalling only allows for one train an hour.

20. No infrastructure investment has been identified in the Anglia Route Study (NR24) for the line to increase capacity or speed

### **Environmental Impact - Hedgerows**

21. The landscape officer has visited the site and has concerns relating to the site and an assessment has been made on the proposal to remove hedgerows. These are protected under the Hedgerows Regulations 1997 and have been classified as “important” therefore there is a requirement to retain the hedgerows (see Appendix B)

22. We understand the TWA&O process may override the Hedgerow Act but the process does not change the fact that the hedgerow is assessed as “important”.

23. If the crossing is closed, it is recommended that to overcome this issue, the breach point is moved 70m or so west where there is naturally occurring 10m or so wide gap in the hedge. This would allow for a connection to be implemented without requiring any actual removal of the important hedgerow. (see appendix B – alternative breach point).

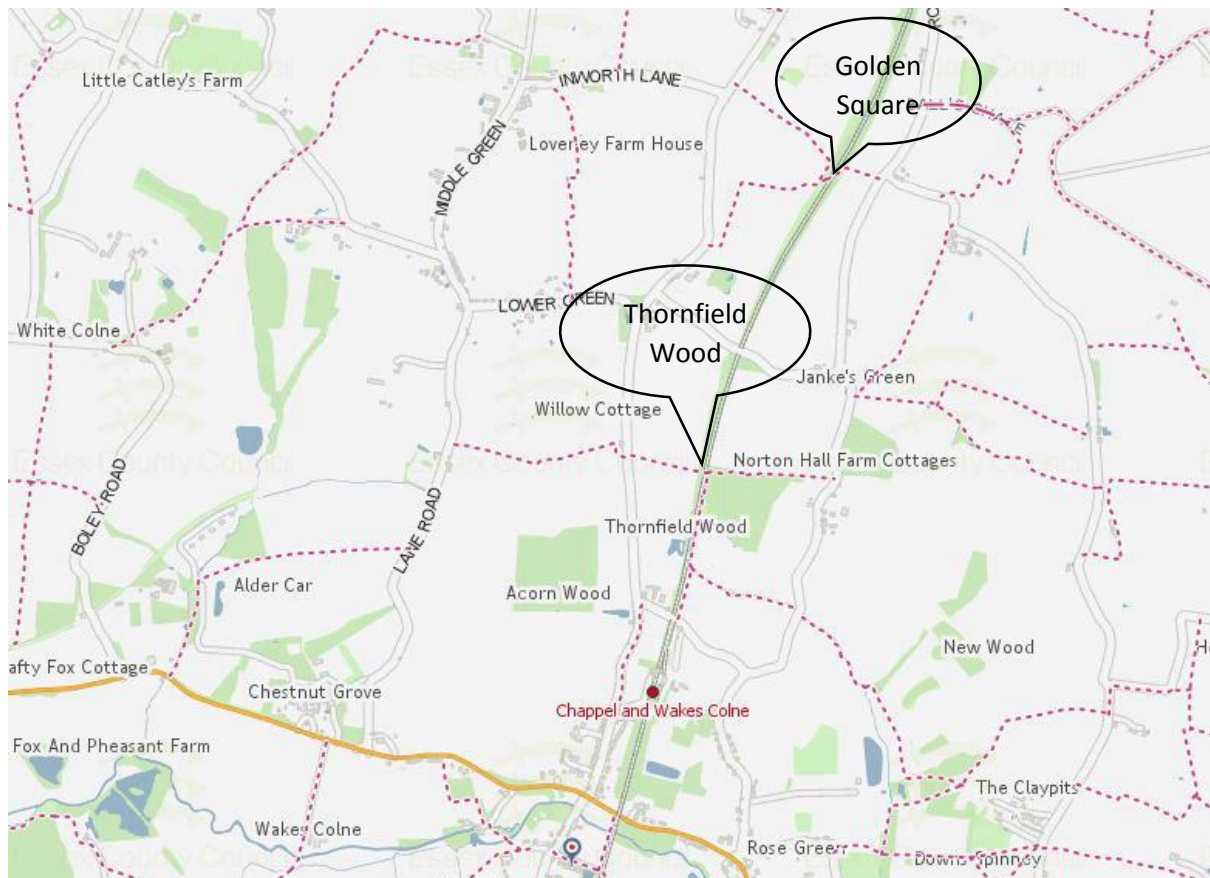
### **Conclusions**

24. Colchester Borough Council has carefully considered all of Network Rail’s crossing closures as they impact residents and the environment of Colchester. In the case of Golden Square there is no reason to close the crossing as:

- a. The assessed risk is low
- b. Increased conflict between pedestrians and road vehicles

- c. Closure does not accord with Network Rail's overall vision and strategy
- d. It is a significant loss in amenity in the countryside
- e. Detrimental to important hedgerows

## Appendix A – Footpath network north of Chappel and Wakes Colne



## **Appendix B - Hedgerow Assessment and Diversion**

### **SURVEY SHEET**

#### **THE HEDGROWS REGULATIONS 1997**

APPLICATION No: HR97 survey

Site address: E52 – Golden Square, Mount Bures (between Chappel and Fordham Roads)

Assessor: AJ

Field inspection date: 20/04/17

Length of hedgerow: 200m

Connecting hedgerows: 3

Connecting woodland: 1

No of inspection areas: 2

\*No. of woody species: 5.5

Supporting bank/wall: No

\*Aggregate of gaps > 10%: No

\*Required No of trees: Yes

Contains protected species: No

3 ground flora woodland

species hedge perimeter: No

\*A ditch along at least one half of its length: Yes

\*Connecting points: 5

Parallel hedge within 15m: No

Adjacent to footpath (road) bridal-way: No

Existing pre 1840 as parish boundary or clearly marked as hedge on historic survey: No

Containing archeological feature: No

Other comments: None

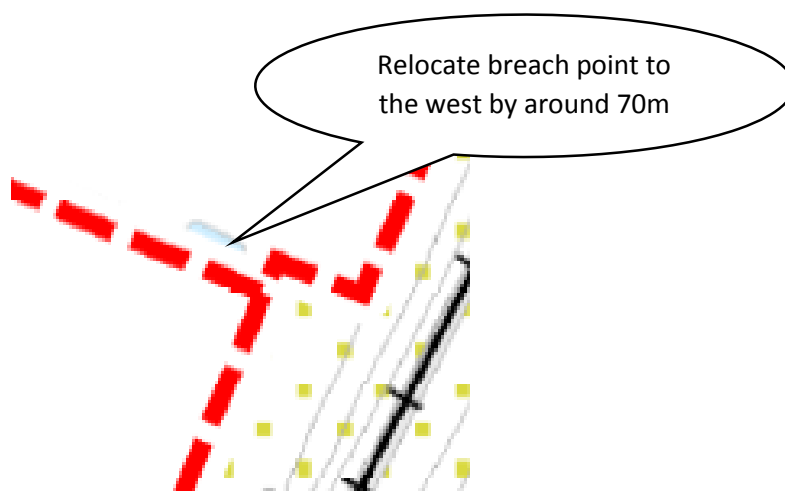
**HEDGEROW STATUS: Important**

**Location:**



\* denotes individual important features

**Alternative Breach Point**





## Appendix C

Link to Colchester Borough Council Report, Policy Review and Development Panel:

1. <https://colchester.cmis.uk.com/colchester/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=bYeoLpvBqfSRi%2bRqIHrVApawuR1uD%2b1%2fzPxQK7h%2foi%2bSoxGNZ29N4w%3d%3d&rUzwRPf%2bZ3zd4E7Ikn8Lyw%3d%3d=pwRE6AGJFLDNih225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9IXnlq%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3d>



## **Proof of Evidence**

Network Rail Level Crossing Closures – Essex

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### **Crossing E51 Thornfield Wood**

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#### **Context**

2. The Borough Council has been very supportive of travel by train working closely with the Network Rail and Train Operating Company on a number of local projects, such as Station Travel Planning, station enhancements, and Local Plan growth. The Borough Council has also supported the Rail Prospectus for East Anglia to see increased performance, capacity and quality of service across the rail network, especially on the mainline. The Borough Council has considered all of the applications to close crossings and has taken a balanced view, between risk, loss of amenity, strategic need and understands the highly sensitive nature of accidents at crossings and the financial impacts on Network Rail that accidents can cause. The Borough Council recognises the high speed nature and demands on the Great Eastern Mainline, the lower frequency Colchester Clacton/Walton line and the totally different context of the Marks Tey to Sudbury, "Gainsborough" Community Rail Partnership Line.
3. Taking the range of issues into consideration the Borough has not objected to the mainline closures where there is an accepted high risk and where closures should be targeted (NR17 section1) and only objects to closure of crossings away from the mainline.

#### **E51 Thornfield Wood, Wakes Colne**

4. This crossing is on Sudbury/Marks Tey branch line where two trains pass the crossings in one hour (one in each direction) at upto 50mph. Network Rail have not demonstrated specific safety issues to warrant the closure; diversions require the use of roads and require investment to create new routes.

## The Risk

5. The All Level Crossing Risk Model (ALCRM) system rates this passive crossing as D11, where the 'collective risk' is assessed as being low. The Council consider that the risk to the crossing user is now being transferred to the highway network. By its own assessment Thornfield Wood does not fit in the high risk category.
6. We believe that closing this low risk crossing does not fit with Network Rail's Statement of Case for managing and reducing accidents at Level crossings. The crossing should not be closed but could be upgraded.
7. The NR vision in Transforming Level Crossing 2015 to 2040 is for no accidents at level crossings (NR17 section3, page 6). The vision does not immediately state closing crossings – the milestone of activities suggest that the improvements will be made to "passive" crossings by 2030 and automatic user based warning systems introduced by 2039.
8. Network Rail's Mission goes on to state (NR17, page 6)
  - a. It will seek to resolve all existing level crossing issues through holistic, risk-based implementation strategy
  - b. Take cognisance of societal needs in the 21<sup>st</sup> century, together with available technology
  - c. Take account of Network rail wider Group strategy and sustainability plans.
9. Essex County Council as Highway Authority have objected to the closure of the crossing. The ECC road safety audit identifies a safety issue of the road section especially where the verge is raised (approximately 1.5metres on the north side of the lane (see appendix B) and over the narrow hump back bridge) with no opportunity for pedestrians to step out of the path of vehicles. The issue would be compounded in the summer months by growth and movement of agricultural vehicles.
10. Paragraph 29 of Network Rail's statement of case (NR26) states ....*as trains have become faster, quieter and more frequent there is no longer the relative safety of the 1800s and the way the public use level crossings has fundamentality changed. The law and society has become more concerned with safety.....*
11. This is a broad statement about the rail network. The branchline speed has not increased for decades being limited to 50mph. Frequency of passenger trains has increased to one an hour on a more regular pattern. However, the change in rail operation should be balanced by the significant growth in car and vehicle ownership and usage since the 1800s especially in the post war period.

### **The Loss of Amenity**

12. The diversion is an additional 950m - 31 times the distance of the existing route and is not considered realistic. The crossing is part of a very long established Public Right of Way system in the parish of Wakes Colne (see appendix A). E51, Thornfield Wood features on the Fair Maid Walk, one of 3 self-guided walks known as the Colne Valley Trails. The Fair Maid walk is described in published leaflets available at:

<http://www.colnevalley.com/walkfairmaid.php>

13. Societal needs of the 21<sup>st</sup> encourage active healthy lifestyles including walking. A review of Rural Issues by the February 2013 Policy Review and Development Panel identified protection and maintenance of footpaths as a priority, giving access to the countryside, and the ability to enjoy the countryside. Closure of crossings and creating illogical lengthy diversions of footpaths does not improve this access. A link to the report can be found in the appendix C.
14. The public right of way is a key feature of the countryside, and the protection and enhancements of routes is supported in the Publication Draft Local Plan, Policy ENV3 Green Infrastructure. The Essex County Council Rights of Way Improvement Plan seeks to provide a continuous network to promote the health and social benefits to local communities. The closures result in network dislocation inhibiting the provision of continuous network and compromising the effectiveness of the network' role in increasing public use and economic benefits of the rural area.
15. Thornfield Wood Crossing and the Golden Square Crossing are integral parts of the public rights of way network connecting to the much treasured and popular attraction of the Dedham and Stour Valley Area of Outstanding Natural Beauty (AONB) from Chappel railway station, the village centre and the East Anglian Railway Museum. The Thornfield Wood crossing creates attractive short walkable length of routes to the north of Chappel. The closing of the crossing severs the east west connectivity and with the proposed diversion route being 31 times as long the closure and diversion is unrealistic and deemed unsafe. We do not believe that the diversionary route is an alternative or practical as suggested in the Vision Led commitments (N17, section 3 page7).

### **Network Rail's Strategic Case**

16. We believe that the proposal to close this crossing is not in line with Network Rail's own Strategy – Executive Summary (NR17 section 1 page 2):

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### **Wider Rail Objectives - The Anglia Rail Study**

18. Network Rail SoC (NR26) sets the need to assess crossings in the light of improving speed and frequency of trains covered in Capacity and Network Development (para 84 and NR24).

19. The operation of the branch is restricted by the lack of passing loops to allow trains to pass and offer a more frequent service. It currently takes a train 19 minutes (stopping at the two intermediate stations) to travel between Marks Tey and Sudbury with a 4 minute dwell time at Sudbury. The line can only be used by one train at a time and is operated “one train working” and “one train in section” (Figure 21 Network Rail 2009 Route Plans). The combination of the current infrastructure, speed and signalling only allows for one train an hour.

20. No infrastructure investment has been identified in the Anglia Route Study (NR24) for the line to increase capacity or speed.

### **Environmental Impact - Hedgerows**

21. The landscape officer has visited the site and has concerns relating to the site and an assessment has been made on the proposal to remove hedgerows. These are protected under the Hedgerows Regulations 1997 and have been classified as “important” therefore there is a requirement to retain the hedgerows.

22. CBC proposed an alternative routeing of the new path to avoid the need to remove part of the Hedgerow. The hedgerow in this area is categorised as “important” using the Hedgerow Act of 1997. (see Appendix B). Network Rail have proposed make the connection back to the road (Drawing MMD-367516-E51-GEN-005, March 2017) to the east of the wood (at point P242, sheet 35, folder 03, 2of2, March 2017) but this still needs the removal of part of the

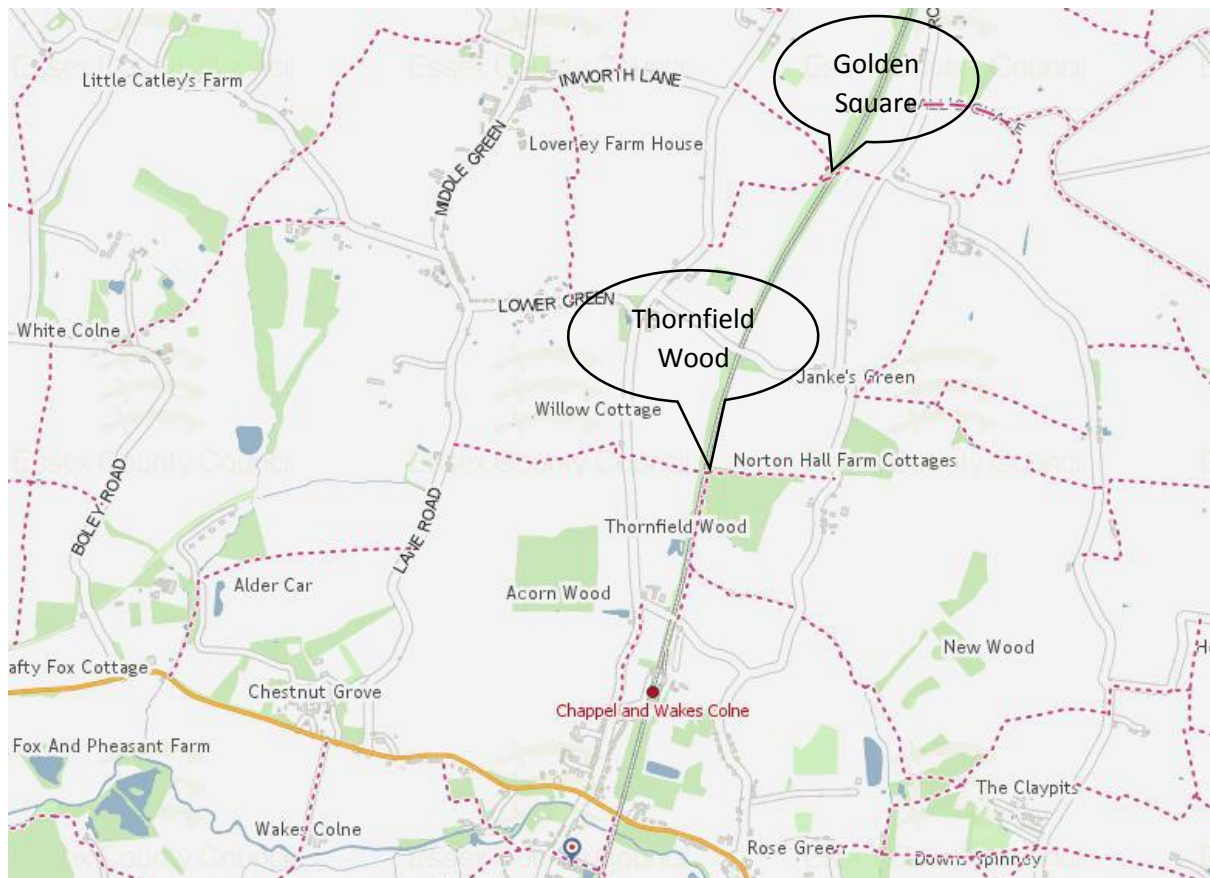
“important” hedgerow. The new connection point brings the path out into a section of the road where the lane is partially sunken as aforementioned (see Appendix B).

23. We understand the TWAO process may override the Hedgerow Act but the process does not change the fact that the hedgerow is assessed as “important”.
24. If the crossing is closed, it is recommended to overcome the hedgerow issue the access point be moved 20m or so east from the bridge where the protected hedge is more ‘gappy’ with a number of gaps over 2m wide which, if it is specifically specified that one of these gaps is to be used, would allow for an access point to be implemented without requiring any actual removal of the important hedgerow.

## **Conclusions**

25. Colchester Borough Council has carefully considered all of Network Rail’s crossing closures as they impact residents and the environment of Colchester. In the case of Thornfield Wood there is no reason to close the crossing as:
- a. The assessed risk is low
  - b. Increase conflict between pedestrians and road vehicles
  - c. Closure does not accord with Network Rail’s overall vision and strategy
  - d. It is a significant loss in amenity in the countryside
  - e. Detrimental to important hedgerows

## Appendix A – Footpath network north of Chappel and Wakes Colne





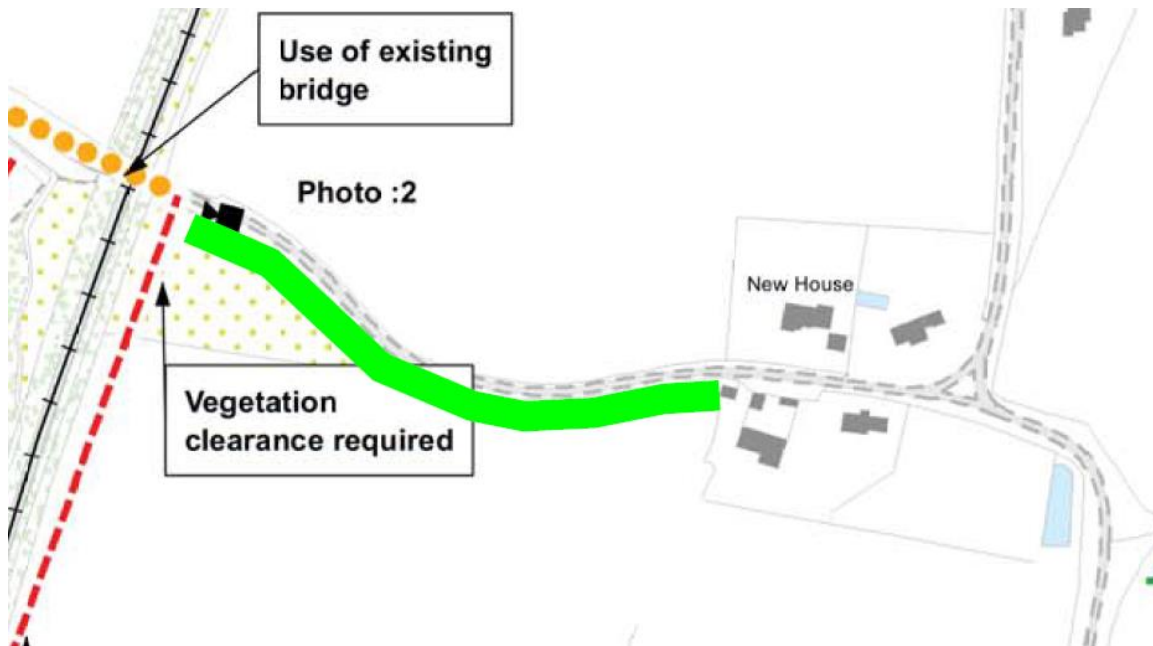
## **Appendix B - Hedgerow Assessment and Diversion**

### **SURVEY SHEET**

#### **THE HEDGROWS REGULATIONS 1997**

APPLICATION No:	HR97 survey
Site address:	E51 – Thornfield Wood, Wakes Colne (road leading off Jupes Hill past railway bridge)
Assessor:	AJ
Field inspection date:	20/04/17
Length of hedgerow:	240m
Connecting hedgerows:	0
Connecting woodland:	1
No of inspection areas:	3
*No. of woody species:	4
*Supporting bank/wall:	Yes
*Aggregate of gaps > 10%:	No
*Required No of trees:	Yes
Contains protected species:	No
3 ground flora woodland	
species hedge perimeter:	No
A ditch along at least one half of its length:	No
Connecting points:	2
Parallel hedge within 15m:	No
*Adjacent to footpath	
(road) bridal-way:	Yes
Existing pre 1840 as parish boundary or clearly marked as hedge on historic survey:	No
Containing archeological feature:	No
Other comments:	None
<b>HEDGEROW STATUS:</b>	<b>Important</b>

Location:



\* denotes individual important features

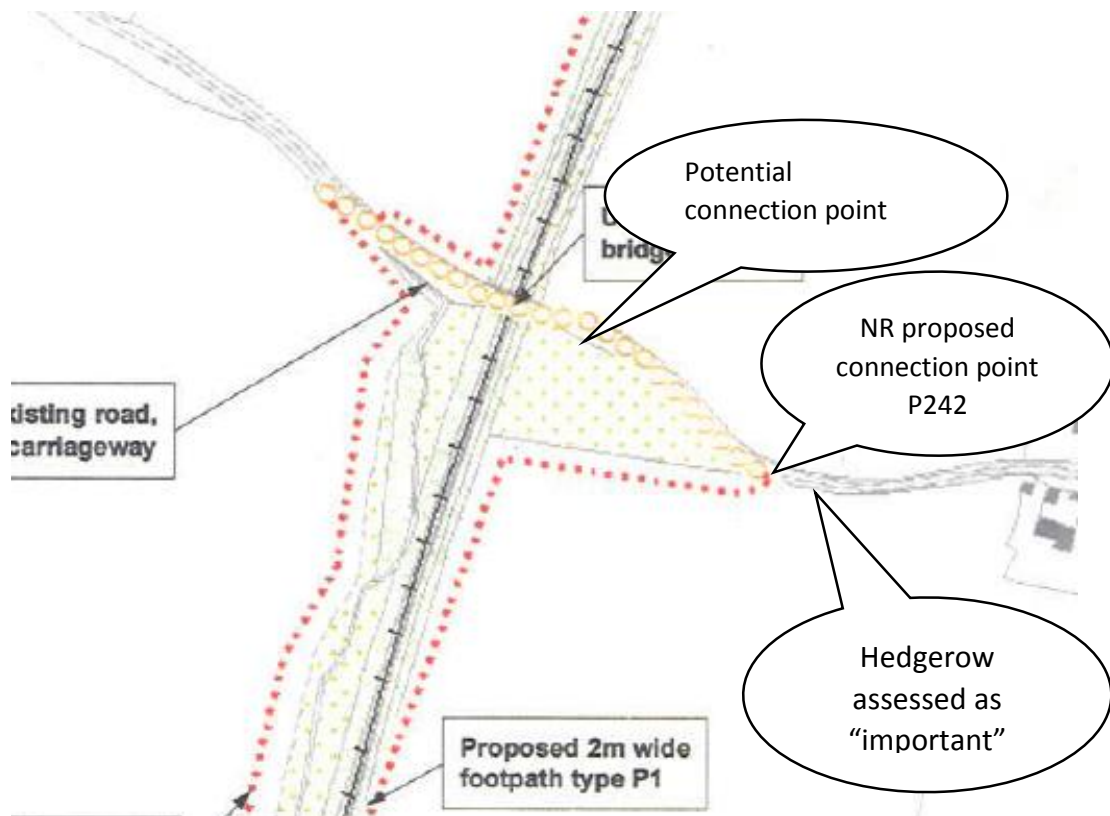
## Photographs of Hedgerow at Proposed Connection Point (P242)



*Figure 1 E51 Thornfield Wood Diversion – Looking west, “important” Hedgerow on left - proposed connection point (P242) close to telegraph pole*



*Figure 2 E51 Thornfield Wood Diversion – Looking east, proposed connection point (P242) close to lady in blue through “important” hedgerow. Note 1.5m high bank on the left.*



## Appendix C

Link to Colchester Borough Council Report, Policy Review and Development Panel:

1. <https://colchester.cmis.uk.com/colchester/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=bYeoLpvBqfSRi%2bRqIHrVApawuR1uD%2b1%2fzPxQK7h%2foi%2bSoxGNZ29N4w%3d%3d&rUzwRPf%2bZ3zd4E7lkn8Lyw%3d%3d=pwRE6AGJFLDNlh225F5QMaQWCtPHwdhUfCZ%2fLUQzgA2uL5jNRG4jdQ%3d%3d&mCTIbCubSFfXsDGW9lXnlq%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJFf55vVA%3d&FgPIIEJYlotS%2bYGoBi5oIA%3d%3d=NHdURQburHA%3d&d9Qjj0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJFf55vVA%3d&WGewmoAfeNR9xqBux0r1Q8Za60lavYmz=ctNJFf55vVA%3d&WGewmoAfeNQ16B2MHuCpMRKZMwaG1PaO=ctNJFf55vVA%3d>



## **Proof of Evidence**

### **Network Rail Level Crossing Closures – Essex**

#### **Colchester Borough Council**

#### **Crossing E41 Paget Crossing**

#### **Paul Wilkinson**

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3. Taking a range of issues into consideration the Borough has not objected to the mainline closures and only objects to closure of crossings away from the mainline.

The Borough Council objects to the closure of:

#### **E41 Paget Crossing, Wivenhoe**

4. This crossing is on the Colchester to Clacton/Walton on the Naze line 340m to the east of Wivenhoe Station. The rail line severs the community of Wivenhoe with a population of around 7,200 people. To the south of the rail line, 1,300 people live in lower Wivenhoe and has a number of small businesses, pubs and restaurants associated with the river side location. Much of the area to the south of the railway has conservation area status (see appendix A) extending up the High Street to the north of the railway. To the north is a large residential area with some Victorian terraces (part of the conservation area) and more recent housing stretching for approximately 2km north of the

railway. The community is highly creative, with strong links to the University and runs a range of creative, art events and festivals throughout the year. Many of these events taking place in around the river to the south of the railway.

5. The crossing provides a direct route between upper and lower Wivenhoe south of the railway. The route follows the bottom of a small valley parallel to a stream. By its nature having joined the route it is an efficient and convenient walking route with no need to climb up to cross the railway. The route has historically connected upper Wivenhoe to lower Wivenhoe, the quayside where ship building, fishing and small port operations took place. Currently to the south of the crossing is the Wivenhoe Business Centre with 35 units. Most of these are occupied with businesses offering local employment. The local sailing club hold a popular annual regatta which is open to the public with events and entertainment.
6. The crossing is well used by the local community as shown in the Network Rail survey (NR25 Tracis survey E41) by adults and accompanied children. This high level of two way use was also verified by a local survey undertaken by Colchester Borough Council and Wivenhoe Town Council (see appendix B). The high flow on the Saturday 9 July 2016 recorded by TRacis (NR25) was in part due to the start of the Wivenhoe Regatta, demonstrating the importance of the crossing to the local community. Due to the flow of people and the issues raised, Network Rail using All Level Crossing Risk Model (ALCRM) have assessed the crossing as risk C4.
7. The closure of the crossing then relies on crossing the rail line at either the unadopted and unsurfaced Anglesea Road bridge or the adopted High Street bridge to the west of the Paget Road Crossing.
8. Network Rail propose to construct a link from the southern end of Paget Road to Phillip Road on the north side of the railway. CBC support this part of the proposal as it will also give pedestrian access to the new health centre. However, this new path will lead the user to the narrow High Street bridge.
9. In Network Rail's Transforming Level Crossings 2015 to 2040 (NR17) the Mission is to seek to resolve all existing level crossing issues through holistic, risk-based implementation strategy, taking cognisance of societal needs in the 21<sup>st</sup> century together with available technology and the wider group strategy and sustainability plans.
10. The proposed closure of Paget (E41) brings into perspective the historic nature of the crossing, the bridges, the urban environment and trying to arrive at a safe acceptable solution. Moving the risk from one statutory body to another is not a "holistic approach", societal needs have developed but in response to these needs "society" in its widest sense seeks greater guidance on what is right. The community of Wivenhoe has developed over many years a strong local spirit with a focus on the waterfront.
11. The High Street bridge is the main vehicle access into lower Wivenhoe, including access to the station by buses. The bridge has a footway on the



west side of 1.3m width and the east side of only 70cm, narrowing to 40cm – (see photographs in Appendix D)

12. The closure of the crossing would lead people to the east side of the High Street Bridge. People using the Paget Road crossing are in the main heading to the area directly to the south of the crossing rather than to the west and therefore the closure in most cases creates longer walking routes.
13. National, institutional, and local design guidance (see appendix c) sets out footway widths :
  - a. DfT LTN2/04 Adjacent and Shared Use Facilities for Pedestrians and Cyclists (Dft) – section 6.2 – Width Requirements
  - b. CIHT Designing for Walking – section 4 Basic Design Considerations
  - c. ECC Designing for Pedestrians – section 1.2 Footway Design, Table1
14. The guidance is fairly consistent with 1.8m being the accepted minimum width to accommodate a push chair and allow a pedestrian to pass by without stepping into the carriageway. The DFT note suggests (section 6.2.5) (appendix C) that the narrower widths can be used but not over a length of more than 6m. The High Street railway bridge on its east side with brick parapets is approximately 25m long and therefore is in excess of the 6m guidance.
15. A peak hour traffic flow survey 217 vehicles passed over the bridge in the peak hour (14/09/17 8am to 9am – dry). Of these 217 vehicles 70% turned into/out of Station Road. Buses turn in and out of Station Road on average every 6 minutes. The bus exiting Station Road has to swing across the High Street with its front over hanging the eastside pavement (see appendix D figure 3).
16. Network Rail have proposed widening of some of the footway on the High Street Bridge. Network Rail's vision led commitments (NR17) includes *to work closely with local authorities, government and communities to sensitively close level crossings where there is an alternative and practicable diversionary route.*
17. CBC objects to the closure until it has certainty of the delivery of an acceptable solution by Network Rail in the High Street prior to the closure of the crossing. The NR letter of the 6 September 2017 states that :

*Under the order, Network Rail will not close the level crossing until the new diversion route is approved to the reasonable satisfaction of the Highway authority and brought into public use.*
18. CBC as an objector to the crossing closure and as the Local Planning Authority, Network Rail should also seek the approval of the Borough Council to the new diversion route. As this is a complex location greater time is required than allowed for in the TWA&O to arrive at an acceptable solution to allow design development, consult with the local authorities and the local community and then once an acceptable solution has been arrived at that time is allowed for statutory processes if needed such as publication and

consultation of traffic regulation orders. Depending on the Inspector's recommendation Network Rail need to develop a programme to which the local authorities and local community can approve.

### **Conclusion**

19. Colchester Borough Council has carefully considered all of Network Rail's crossing closures as they impact residents and the environment of Colchester.
20. As a public sector body we believe that CBC position balances the demands of the local community and the needs to operate a safe reliable railway. However, we don't believe that safety risk should just be passed from one public sector body to another.
21. It is not unreasonable to expect Network Rail mitigate the impact of the closure by improving at its cost an alternative crossing point, providing a suitable safe alternative prior to the closure of the existing crossing which is approved by the local authorities and acceptable to the local community.

## Appendix A

Wivenhoe - Conservation Area (shaded blue)

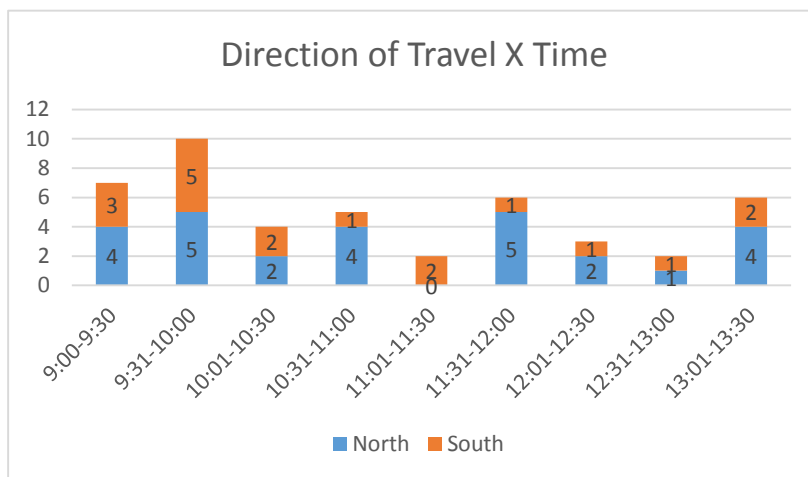
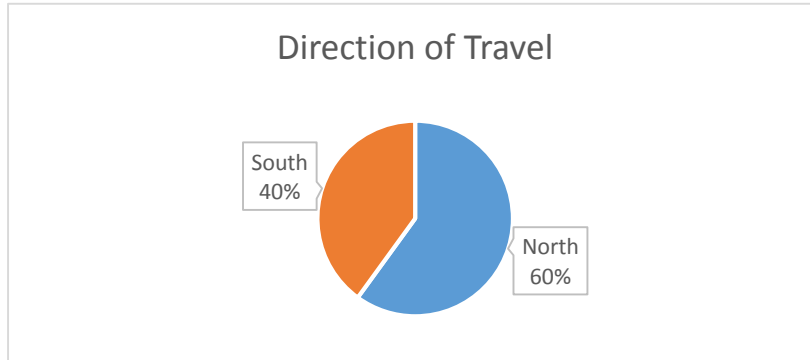


## Appendix B

### Local Survey – Paget Road Crossing

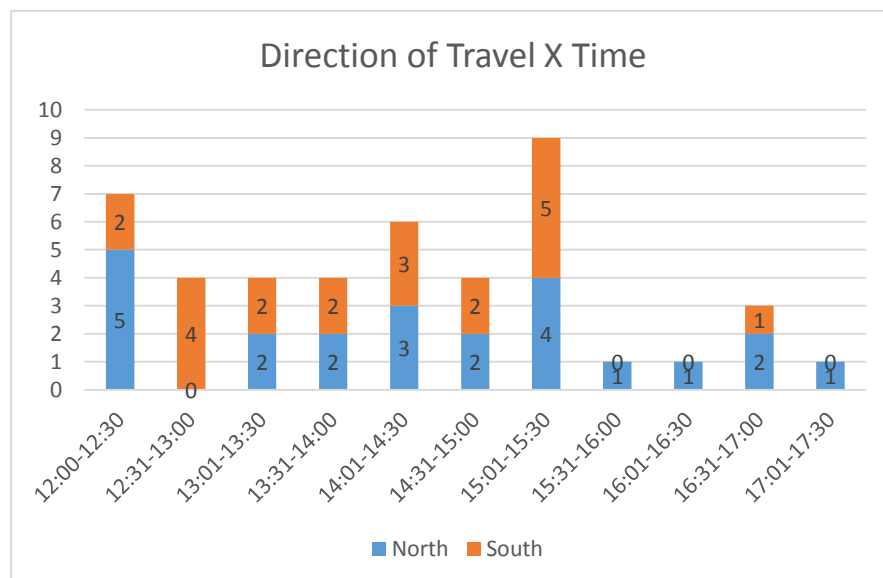
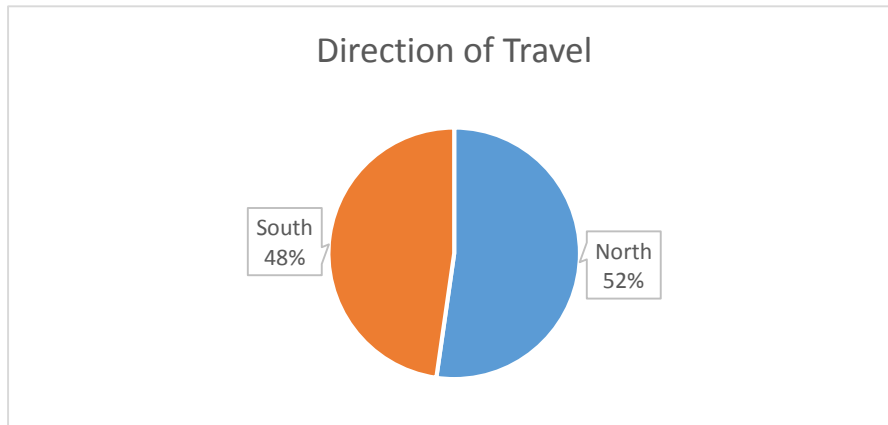
Date: Wednesday 26<sup>th</sup> July 2017 (09:00-13:30)

Total - 45 users



Date: Thursday 27<sup>th</sup> July 2017 (12:00-17:30)

Total - 44 users



## Appendix C – Guidance on Footway Widths

National Guidance Dft LTN2/04 Adjacent and Shared Use Facilities for Pedestrians and Cyclists

<http://www.ukroads.org/webfiles/LTN%202-04%20Adjacent%20and%20Shared%20Use%20Facilities%20for%20Pedestrians%20and%20Cyclists.pdf>

Department for Transport - LTN 2/04 - Adjacent and Shared Use Facilities for Pedestrians and Cyclists



### LTN 2/04 - Adjacent and Shared Use Facilities for Pedestrians and Cyclists

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Department for Transport - LTN 2/04 - Adjacent and Shared Use Facilities for Pedestrians and Cyclists

#### 6.2 Width requirements

6.2.1 The width available for adjacent or shared use routes has a large bearing on the quality of the facility being proposed. If the route is too narrow for the expected flows, any required segregation may be impracticable to provide. Insufficient width, whether segregated or not, may lead to conflict between pedestrians and cyclists. For the purpose of brevity, all references to footways in the rest of this section include footpaths unless stated otherwise.

6.2.2 It should be noted that the minimum widths stated in this section relate to what is physically required for the convenient passage of relatively small numbers of users. They do not take into account the need to increase width to accommodate larger user flows. Wherever practicable, widths greater than the minima should always be used. **Practitioners should not regard minimum widths as design targets.** Where cyclists are moving slowly, such as when climbing steep gradients, they require additional width to maintain balance. Similarly when cyclists are descending steep gradients they can quickly gain speed and additional track width or separation will help reduce the potential for conflict with pedestrians.

#### Recommended width

6.2.3 The recommended width for urban footways on local roads is **2.0m**. This is sufficient to allow a person walking alongside a pushchair to pass another pram or wheelchair user comfortably. The recommended width for a cycle track is **3.0m**.

6.2.4 If the recommended widths cannot be realised, the facility may become difficult or impossible for some people to use. Most people can still use a footway 1.8m wide or less but it may preclude two wheelchairs (or prams) from passing each other. Care must be taken to ensure that these users do not become trapped by width limitations. This may be achieved by restricting the narrow stretches to short lengths, with passing places interspersed along the route. Any passing place must be within sight of the previous one and the next one. In no case should the distance between passing places exceed 50 metres.

#### Minimum acceptable width

6.2.5 A width of **1.5m** should be regarded as the minimum acceptable for a footway under most circumstances. This will allow a pedestrian to pass a wheelchair user. The absolute minimum is **1.0m** but this will require all users to give way to each other, so this width should only be retained at pinch points, or short, very lightly used locations where overtaking and passing manoeuvres are likely to be rare. In any case, 1.0m wide sections should not exceed 6.0m in length.

6.2.6 A cycle track width of **2.0m** will allow two cyclists to pass each other but this should be regarded as the minimum acceptable under most circumstances. The absolute minimum is **1.5m** but using this figure is not as onerous as using the equivalent 1.0m figure for footways as cyclists will still be able to pass each other, albeit with some difficulty.

6.2.7 The above mentioned widths are minimum *effective* widths and the figures apply where they are exclusively for pedestrians or cyclists, i.e. where the facility is segregated. Actual widths will need to be greater to maintain the effective values if vertical features bound the edges of a footway or a cycle track (see Table 1 below).

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<http://www.ciht.org.uk/en/document-summary/index.cfm/docid/E4B48D37-9FE7-4C30-92ED822524C777CC>



#### 4. Basic Design Considerations

##### 4.1 Pedestrian Networks

Strategies to encourage walking are covered in Planning for Walking. This document is concerned with the detailed layout and design of walking routes and infrastructure.

Footways and footpaths should be aligned as directly as possible between the main trip origins and destinations. People prefer to see the place to which they are walking. While gentle curves will probably be followed, sharp curves will not be followed readily unless physical barriers deter the taking of shortcuts (see Section 4.8).

Most walking journeys begin and end in buildings or transport interchanges but could also begin and end at a car park or at a cycle parking facility in a town centre, nearly all journeys include a proportion of walking within them. The relationship between the entrances to buildings and the pedestrian network is of particular significance. If there is a predominant direction from which people approach a building, developers or occupiers should be encouraged to provide an entrance to the building facing that direction.

In general, changes in level should be avoided, but when a difference in level is inevitable, the needs of people with reduced mobility must be considered. Bridges, high-level walkways, and subways should be avoided unless they relate naturally to the main entrances of nearby buildings or when crossing roads; they are well designed and accommodate the desire line of all users (see Section 6.6).

##### 4.2 Footway and Footpath Widths

Footways and footpaths should be designed with sufficient usable width for all anticipated pedestrian activity. As public open spaces in urban areas, footways may have an important role in defining the character and attraction of street scenes. The urban design concept may influence the footway width as much as the anticipated flow of people or usage. Care should be exercised to ensure the footway operates as intended for pedestrians.

In calculating the available footway width, unless physical features make it impossible, subtract the space occupied by street furniture, street traders, queues at bus stops, people waiting to cross roads or people accessing shops (a newspaper kiosk could be quite small but will still attract people and create queues on the footway), and people waiting to cross

roads. This will leave an "effective" width of footway, which will be a more accurate representation of the usable space. Further and more comprehensive detail on basic dimensions to cater for those with mobility difficulties is given in Section 3.1 of Inclusive Mobility (DfT, 2002), and more general footway width considerations are discussed in Section 6.3 of Manual for Streets (MfS2007).

It would be wrong to be overprescriptive about footway widths. Each location needs to be assessed to determine the width requirement for pedestrians. In general, physical space requirements are dictated by the needs of people and the place. Designers should consider the range of activities that may take place, such as window shopping, street play, and groups congregating as well as the volume of people walking.

Designers should be aware that, based on the established standard of providing sufficient width for wheelchairs/mobility scooters or double buggies to pass, pedestrians require an absolute minimum obstacle-free width of 1.8m and a desirable minimum width of 2.0m.

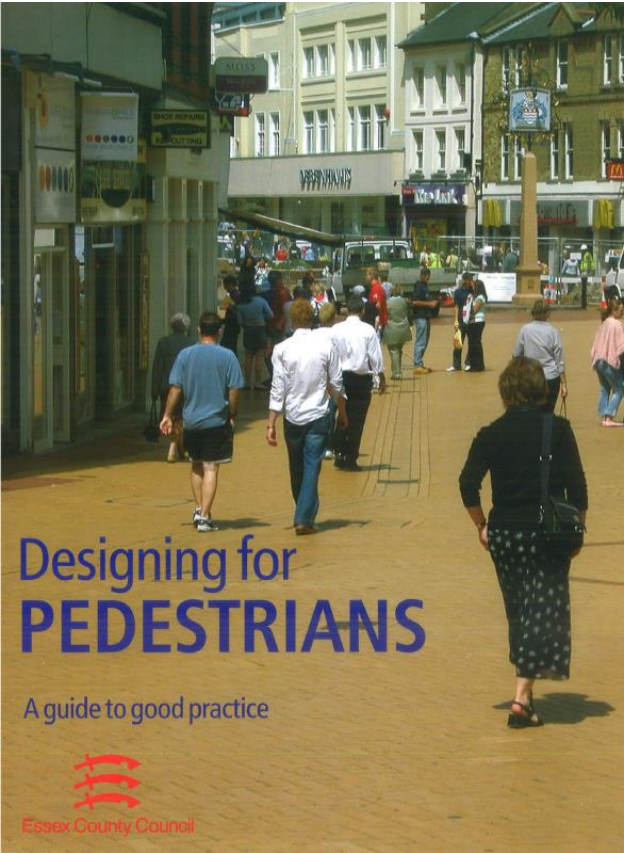
On high-speed roads and those with a regular or high flow of Heavy Goods Vehicles (HGVs), it is preferable to allow an additional minimum of 0.5m to allow for vehicle overhangs and pedestrian "kerb shyness". Street furniture will normally be in this area. There may also be an "unusable" area of approximately 0.25 to 0.5m at the back of the footway if the footway is bounded, for example, by a wall or building.

The following effective design widths, which are clear and generally unobstructed, are recommended:

- **Absolute minimum width: 1.8m**
- **Desirable minimum width: 2.0m**
- **Preferred width 2.5m (especially adjacent to high-speed roads)**

It is not suggested that footways with widths less than 1.8m should never be provided, as it is clear that existing narrow footways do provide a level of pedestrian amenity. A 1.5m-wide footway (kerb face to back of footway) may be better than no footway at all. However, there is a lower limit where the footway width is insufficient to accommodate normal walking activity in safety. This minimum will be dictated by site specific criteria, including pedestrian flow and composition, and vehicle flow and speed. Designers should aim to create a quality walking environment with sufficient capacity to prevent pedestrian congestion, particularly on streets where there are large groups such as outside schools, shops, or visitor attractions.

Local Guidance – Essex County Council Designing for Pedestrians



1.2 Footway design

1.2.1 General

A footway means a way comprised in a highway, which also comprises a carriageway, being a way over which the public has a right of way on foot only.  
*Section 329(1) Highways Act 1980*

1.2.2 Key recommendations

- Wherever a footway is provided it is important that it forms part of an identified route, eg to the local school, shops or a bus stop, so that a good network of footways is built to serve the community.
- When footways are being designed, all pedestrians should be considered, regardless of their level of mobility and where space and gradient is permitting.
- Footways should be well lit and have a well drained surface.
- Tactile paving should be provided at all pedestrian crossing points where there is a dropped kerb.
- After a design has been completed, a safety audit should be undertaken to ascertain any road safety or mobility issues that may need to be addressed. For larger, route schemes (eg a whole route which connects residents with amenities), public consultation measures could be undertaken with various user groups to obtain a representative view of the proposals.

1.2.3 Design requirements

Where there is room available, the absolute minimum width should be provided (Table 1). However, in certain locations minimal verge width dictates that these requirements cannot be met. On lower categories of road, such as those defined as local roads within the functional route hierarchy that are less trafficked, a pedestrian margin rather than a delineated separate footway may be included.  
See the *Essex design guide for residential and mixed use areas* (Essex Planning Officers Association, 1997) for further details.

Table 1 Minimum width requirements for footways

Minimum width	
Absolute	1500 mm
Accepted	1800 mm
Desirable	2000 mm



## Appendix D - Photographs



Figure 1 High Street Bridge, looking towards lower Wivenhoe. Narrow pavement on east side. Note the priority working signs remaining from previous scheme and old road markings still show.



Figure 2 Pedestrian using east side pavement whilst bus heads southbound across bridge. Gentleman on the left waits as the path only has the width for one person.



*Figure 3 Bus existing Station Road into High Street. Front of bus overhangs eastside kerb. Note the telegraph pole narrowing the pavement further.*

## **Proof of Evidence**

Network Rail Level Crossing Closures – Essex

Colchester Borough Council

### **Crossing E57 Wivenhoe Park**

#### **Paul Wilkinson**

1. I am Colchester Borough Council's Transportation Policy Manager working in the Spatial Policy team. I have worked with Colchester for the last 11 years and previously with Essex County Council for 16 years on a range of transportation projects, more latterly assessing planning applications and developing the local plan. I am a member of the Chartered Institution of Highways and Transportation with a broad knowledge of a range of modes of transport.

#### **Context**

2. The Borough Council has been very supportive of travel by train working closely with the Network Rail and Train Operating Company on a number of local projects, such as Station Travel Planning, Station enhancements, and Local Plan growth. The Borough Council has also supported the Rail Prospectus for East Anglia to see increased performance, capacity and quality of service across the rail network, especially on the mainline. The Borough Council has considered all of the applications to close crossings and has taken a balanced view, between risk, loss of amenity, strategic need and understands the highly sensitive nature of accidents at crossings and the financial impacts on Network Rail that accidents can cause. The Borough Council recognises the high speed nature and demands on the Great Eastern Mainline, the lower frequency Colchester Clacton/Walton line and the totally different context of the Marks Tey to Sudbury, "Gainsborough" Community Rail Partnership Line.
3. Taking the range of issues into consideration the Borough has not objected to the mainline closures and only objects to closure of crossings away from the mainline.

#### **Wivenhoe Park**

4. For Wivenhoe Park the proposal is to close this crossing to motorised vehicles and retain a crossing facility for walkers and cyclists which Colchester Borough Council supports.
5. We do not object to the closure of the Wivenhoe Park crossing subject to satisfactory negotiations being had for an alternative right of access across CBC's land to include consideration, restrictions on the frequency and the purpose of intended access, a limitation on the size and type of vehicles used

in order to minimize damage over the land, path and sluice and the provision of indemnities against damage to CBC's property and third parties.

6. Following a without prejudice meeting held between Network Rail and Colchester Borough Council on the 6<sup>th</sup> September (and letter of 6 September 2017, Obj/141/ES/R001) we are still awaiting information from Network Rail on the requirements for the new rights for vehicles crossing of our land.
  7. In response to Network Rails letter of the 6<sup>th</sup> September (Obj/141/ES/R001) we welcome that archaeological conditions have been drafted but wish to see them included with the order. Colchester Borough Council's formal representation of the 2 May set out requirements for archaeological investigations, (see Appendix A) and seek confirmation that these requirements have been included.
- .

## **Appendix A**

### **Archaeology Officers Comments – Wivenhoe Park Crossing**

Any groundworks required in the adjacent fields on both sides of the railway (e.g. for the construction of the new footpaths and for site compounds), will require a scheme of archaeological investigation to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed (in accordance with para. 141 of the NPPF).

The Council advise:

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development.

A brief can be provided on request for each stage of the archaeological investigation.