

THE PROPOSED NETWORK RAIL (ESSEX AND OTHERS LEVEL CROSSING REDUCTION) ORDER

PUBLIC INQUIRY, 18 OCTOBER 2017

DEPARTMENT FOR TRANSPORT REFERENCE: TWA/17/APP/05

OBJECTION BY THE ESSEX LOCAL ACCESS FORUM (ELAF) see also OBJ/142

PROOF OF EVIDENCE OF SUE DOBSON, MEMBER OF THE ESSEX LOCAL ACCESS FORUM (volunteer) OF CRACK WILLOWS, MAYES LANE, SANDON, CHELMSFORD CM2 7RP

This Proof of Evidence is one of the two Proofs of Evidence of the Essex Local Access Forum (ELAF) objecting to the Network Rail TWA crossing closure Order. The other ELAF Proof of Evidence is that of Katherine Evans, Chair of ELAF.

1. Local Access Forums and Public Rights of Way

Local Access Forums (LAFs) are advisory forums set-up under the Countryside and Rights of Way Act 2000 (CROW 2000). LAFs are expected to contribute to better informed decision-making on public access to land, open air recreation and use of the public rights of way network (ref: page 2 of LAF Guidance, DEFRA 2007, updated 2009).

The CROW Act 2000 (section 60) required Highway Authorities to produce a rights of way improvement plan (ROWIP). Two of the objectives in ECC's ROWIP are:

- Theme D: A more continuous network – to provide a continuous, high quality Rights of Way which promote health and social benefits to local communities.
- 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

Paragraph 75 of Chapter 8 "Promoting healthy communities" in the National Planning Policy Framework (NPPF) states that:

Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails

2. Network Rail statistics, vision and objectives

Figure 1 in NR 26 Statement of Case (page 12) shows that there have been between 1 and 3 pedestrian fatalities per year on level crossings on the Anglia Route between 2014 and 2017. The Anglia route is stated as having 774 level crossings (page 9) but 858 level crossings are recorded on the ALCRM system (page 9). NR 26 further states that there are 353 footpath and bridleway crossings on the Anglia Route (p10), which is 45% or 41% of all Anglia level crossings.

In NR 17 Transforming Level Crossings Strategy 2015 - 2040 (page 2), Network Rail state that

"Level crossings represent one of the biggest public safety risks on the railway. They account for 8% of total system risk on the British rail network"

The first sentence is similar to the sentence in NR26 Statement of Case (p8)..

"Level crossings are the single biggest source of catastrophic risk on the railway".

The sentences raise the question as to what other risk factors there are that account for the overwhelming 92% of total system risk. The implication is that no other risk accounts for 8% or more of the total system risk.

Both the Figure 1 data and the previous sentences make no distinction between road / carriageway level crossings and non-public road crossings. The statements refer to the Anglia route as a whole rather than the 60 crossings in this TWA Order.

The objectives in Network Rail's document NR 17 Transforming Level Crossings Strategy 2015 - 2040 include (page 2)

- *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.*
(Note: on page 12, high speed lines are defined as those above 100mph)

Of Network Rail's 6,291 level crossings, 2,246 are footpath, bridleway AND station crossings (ref: Table 1, page 9). Network Rail state on page 11 that..

"Footpath crossings account for the largest share of the level crossing estate, but a lower proportion of the risk in relative terms. The risk at passive crossings is not distributed evenly across the estate and the majority of the FWI risk (FWI = Fatalities and Weighted Injuries) resides at those locations with the highest usage and the greatest number of train services..."

ELAF submit that Network Rail are not working to their objectives in this TWA Order nor are they focussing on footpath crossings with the highest usage & the greatest number of train services. Many of the crossings proposed for closure in this order are NOT on high speed lines and do not have high usage or a large number of trains.

On page 12, Network Rail further state that their vision for passive level crossings is....

"Our vision: The ultimate aim is to provide automatic train detection/warning systems at every passive level crossing..."

In this TWA Order, Network Rail are not proposing to provide any train detection/ warning light systems at any of the crossings so as to make passive crossings "active".

ELAF submits that Network Rail 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 none are on high speed lines, defined by NR those above 100mph.

3. Crossings E17 Boreham and E18 Noakes, Boreham

These crossings are in an area that is the subject of major development as part of the Beaulieu Park scheme which is currently under construction. Network Rail will be aware of the new station proposed in this vicinity, along with the related infrastructure. The crossings are situated in close proximity to the A12 and the Boreham interchange and together with the associated north-south public rights of way, they effectively go nowhere

ELAF request that this area should be looked at holistically in conjunction with the new station, new road infrastructure and the proposed new bridleway network (which of course gives access to walkers, cyclists and equestrians). Funding is agreed by Government under RIS1 to upgrade the A12 trunk road from junction 19 at Boreham, just south west of the crossings, to junction 25 at Marks Tey. The preferred route of the A12 upgrade is not expected to be announced until later this year, possibly not before the timing of the Public Inquiry.

The A12 upgrade will be an opportunity to link the severed rights of way, both over the new A12 and the railway line. If these crossings are closed immediately, the opportunity to reconnect severed rights of way will be lost to the detriment of those living in Boreham village who may wish to use sustainable transport via a road & rail bridge to access the new station. Sustainable transport is an aim of central and local Government and the opportunity will be lost if these closures go ahead as planned at this particular time.

ELAF therefore object to the closure of crossings E17 Boreham and E 18 Noakes and request that they are removed from this TWA crossing closure Order. ELAF consider that the closure of these crossings is premature in view of the ongoing and planned development in their

vicinity. The crossings and the connecting PRowS / access routes can be dealt with under planning procedures.

4. Crossings E19 to E23

All of these crossings are currently blighted by the practical difficulty of crossing the current A12. As stated in Section 3 above, the A12 upgrade will offer the opportunity to link severed rights of way, over or under any new road and the railway.

Bridleway Kelvedon 34, E20 Snivellers crossing and Snivellers Lane are little used *at present* since they effectively go nowhere – they cross the railway line at E20 and come to a stop at the current A12. The new ‘loop’ proposed on the northern side of the railway line is pointless as it does nothing to connect rights of way. Therefore it is contrary to the aims of the ROWIP and the NPPF.

Crossing E19 Potters and the connecting footpaths to the A12 also come to a stop at the current A12. Network Rail's alternative proposal is not an off-road route.

Network Rail's proposals for crossings E21 Hill House 1 and E22 Great Domsey are acceptable as a north-south connection is maintained that is close to the existing crossings and that does not involve any road walking. ELAF would object to any closure of these crossings that did not retain this PRow network connection.

ELAF support the dedication of the ramped footbridge crossing at E23 Long Green as a Public Right of Way.

ELAF object to the closure of crossings E19 Potters and E20 Snivellers and request that they are removed from this TWA crossing closure Order. ELAF consider that the closure these crossings without the provision of any nearby suitable off-road north-south route, is premature. The crossings should be considered holistically once the preferred route of the A12 is known, taking into account Highways England's parameters as far as bridges/underpasses are concerned to ensure rights of way are re-connected and are not permanently severed.

ELAF APPENDICES to Proofs 1 and 2:

- (i) LAF Guidance Booklet, DEFRA 2007 updated 2009
- (ii) ECC ROWIP
- (iii) ELAF presentation: Stort Valley