

# 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 KATHERINE EVANS, CHAIR OF THE ESSEX LOCAL ACCESS FORUM  
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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 Sue Dobson, ELAF Member.

## **A. Introduction**

Network Rail's document NR 16 Level Crossing Safety Strategy 2015 - 2040 objectives include (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.

NR are not working to these objectives in this TWA Order as many of the crossings in this order are NOT on high speed lines.

## **B. Crossings on branch lines with line speeds of 60mph or less**

12 of the crossings that NR are proposing to close under this TWA Order are on branch lines with (maximum) line speeds that are the same as or less than the national road speed limit of 60mph. These crossings are listed in Table B.

**Table B: 12 Crossings on branch lines with line speeds of 60 mph or less**

Number	Crossing name	Location	Line speed (NR data)	ALCRM (NR)
	<i>Clacton &amp; Harwich branch line</i>			
E57	Wivenhoe Park	Wivenhoe COL	60 mph	B4

E41	Padgets	Wivenhoe COL	25 mph	C4
E47	Bluehouse	Walton+Frinton TEN	50 mph	D8
E48	Wheatsheaf	Wrabness TEN	60 mph	D10
E49	Maria Street	Harwich TEN	25 mph	C3
	<i>Sudbury Branch Line</i>			
E51	Thornfield Wood	Wakes Colne & Mount Bures COL	50 mph	D10
E52	Golden Square	Wakes Colne & Mount Bures COL	50 mph	D10
E54	Mount Bures	Bures Hamlet BRAIN	50 mph	D8
	<i>Braintree Branch Line</i>			
E35	Cranes No1	Cressing BRAIN	50 mph	C7
E36	Cranes No2	Cressing & White Notley BRAIN	50 mph	D11
E37	Essex Way	Cressing & White Notley BRAIN	50 mph	C8
	<i>Burnham branch line</i>			
E38	Battlesbridge	Rettendon CHEL	50 mph	D8

NOTE: LB Havering HA1-HA4 crossings are not included as Havering is geographically no longer part of ECC and so not part of ELAF. London Boroughs are not required to have LAFs (Local Access Forums)

The inclusion of these crossings in this TWA Order appears to contradict two of the policies in NR16 Level Crossing Safety Strategy 2015 - 2040. Two of the crossings are inside more built-up areas - E41 Padgets in Wivenhoe and E49 Maria Street in the Dovercourt area of Harwich. Closing the other 10 crossings removes a route for people to access the countryside on foot and so is against ECC's ROWIP, the CROW Act and NPPF paragraph 75, in section 8 "Promoting healthy communities". There is no evidence that NR have sought to make these 10 passive crossings 'active'.

**As such, ELAF request that these 10 crossings on these branch lines with line speeds of 60mph or less are removed from this TWA crossing closure Order.**

### **C. Crossings on lines with line speeds of 70 and 75 mph**

17 of the crossings that NR are proposing to close under this TWA Order are on lines with (maximum) line speeds of between of 70 and 75 mph. These crossings are listed in Tables C1 & C2.

#### **B1: Three further crossings on the Clacton branch line**

Crossings E43, E45 & E46 are also on the Clacton branch line. NR state that the branch line speed at these crossings is 75 mph. NR data shows that line speeds at the crossings that it is proposed to close on this branch line varying from 75 mph down to 25mph. Crossings E45 & E46 in Great Bentley are close to Great Bentley station and the Plough Lane vehicular level crossing.

**Table C1: 3 crossings on the Clacton branch line with line speeds of 75 mph**

Number	Crossing name	Location	Line speed	ALCRM
E43	High Elm	Alresford TEN	75 mph	C6
E45 & E46	Gt Bentley Station & Lords No1	Gt Bentley TEN	75 mph	C6 & C7

There is no evidence that NR have sought to make these three passive foot crossings on this branch line 'active'. Closing these crossings removes a route for people to access the countryside on foot and so is against ECC's ROWIP, the CROW Act and NPPF paragraph 75, in section 8 "Promoting healthy communities". Network Rail have provided no Stage 2 Road Safety Audit data for the proposed alternative road routes.

**ELAF request that these 3 branch line crossings E43, E45 & E46 are also removed from this TWA crossing closure Order.**

#### **C2. 12 public crossings on lines with speeds of between 70 and 75 mph**

12 public crossings proposed for closure in the TWA Order have NR stated line speeds of 70 and 75 mph at the crossings.

**Table C2: 12 public crossings on lines with line speeds of 70 and 75 mph**  
(also two private crossings E07 & E12)

Number	Crossing name	Location	Line speed	ALCRM
	<b><i>Secondary lines e.g. C2C</i></b>			
E28	Whipps Farmers	Brentwood BREN	75 mph	B6
E29	Brown & Tawse	Brentwood BREN	75 mph	C4
E30 & E31	Ferry & Brickyard Farm	Benfleet	75 mph	C2
E33	Motorbike	BAS	70 mph	C6
	<b><i>Cambridge Line</i></b>			
E05	Fullers End	Elsenham UTT	70 mph	C6
E06	Elsenham Emergency Hut	Elsenham UTT	70 mph	M13 (closures)
E07	Ugley Lane (private)	UTT	70 mph	C8
E08	Henham	Henham etc UTT	70 mph	C6
E09	Elephant	Newport UTT	70 mph	C6
E10	Dixies	Newport UTT	70 mph	C6
E11	Windmills	Newport etc UT	70 mph	C8
E12	Wallaces (private)	UTT	70 mph	C10
E13	Littlebury Gate House	Littlebury UTT	70 mph	C5

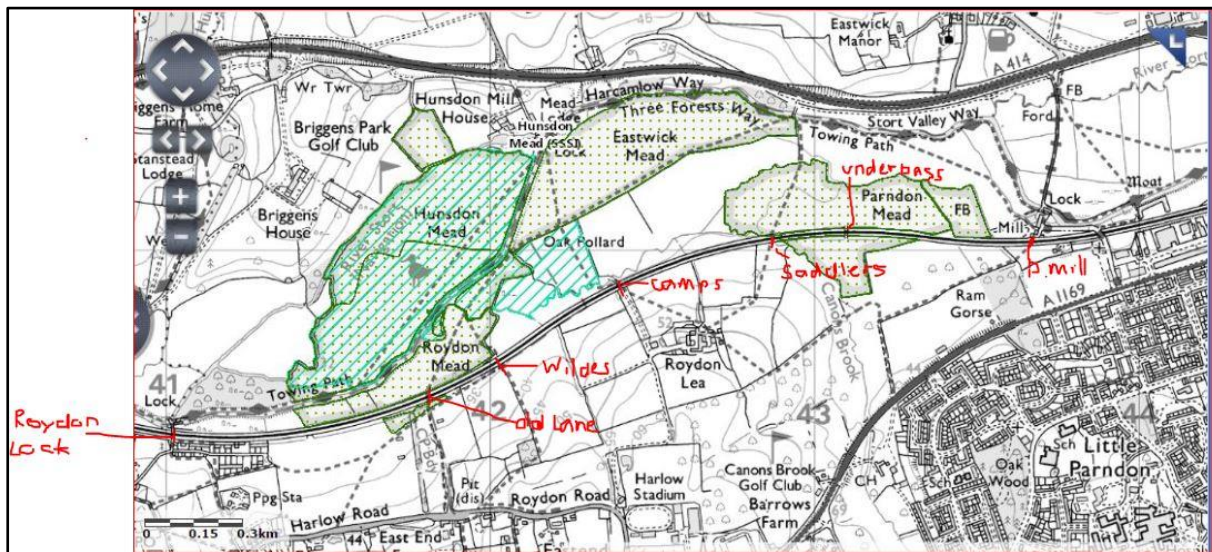
NOTE: LB Havering HA1-HA4, Thurrock Unitary Authority T01, T04 & T05, Southend Unitary Authority E32 & Hertfordshire H01-H08 crossings are not included as they are geographically no longer part of ECC and so not part of ELAF.

There is no evidence that NR have sought to make these passive crossings 'active'. Network Rail have provided no Stage 2 Road Safety Audit data if the proposed alternative routes involve walking on or alongside roads.

#### **D. Crossings E01-E04 in the Stort Valley with Open Access & Common Land**

Crossings E01 - E04 are on the Cambridge Line with a stated (maximum) line speed of 80mph. The line curves and as such the crossings that are still operational are protected by whistle boards. The Essex Local Access Forum request that these crossings are considered as a special case and that they are removed from the TWA Order and dealt with under the Highways Act 1980 Sections 119A and 118A for railway crossings.

These crossings are in the area of the Stort Navigation on the Essex / Hertfordshire borders, west and north of Harlow, with the proposed garden community of Harlow North / Gilston Park Estate to the north. As such they provide a local amenity that is used by cyclists and walkers. The long distance routes the Harcamlow Way & Stort Valley Way pass through this area; also the local "Walk on the Wildside" path. Areas of Open Access land (CROW Act), ancient Common Lands and SSSIs are on the north of the line, much of which is in the flood plain. Some of this land is managed by the Essex Wildlife Trust & the Hertfordshire Wildlife Trust. The Stort navigation and the well maintained tow path are also north of the line. Harlow Council own areas of the higher ground to the south of the line, including the golf course land. Some of this area also features in the Harlow Local Plan.



On 22 September 2015, the ELAF annual out-of-office meeting explored this area. A presentation was made at the next ELAF meeting on 13 October (Appendix iii presentation).

**ELAF request that these crossings and this stretch are removed from this TWA Order** so that a joined-up and inclusive plan can be developed to improve access and accessibility to this area which has multiple interests, is partially in the flood plain, includes Open Access & Common Land and is used for cattle grazing, which is now quite unusual in Essex where most farming is arable.

### **E. In conclusion**

There appears to be a tension between some of Network Rail's objectives, some of Network Rail's proposed alternative routes in this TWA crossing closures Order and the duties imposed by the Government on Local Highway Authorities and Local Planning Authorities as regards the protection and improvement of public access and public rights of way.

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 none are on high speed lines, defined by NR those above 100mph. There is no evidence that NR have sought to make these passive crossings 'active'. Network Rail have provided no Stage 2 Road Safety Audit data if the proposed alternative routes involve walking on or alongside roads.

ELAF request that when considering whether a proper alternative right of way has been provided by this scheme, as is required by section 5(6) of the Transport and Works Act 1992, ECC's ROWIP, the CROW Act 2000 and NPPF paragraph 75, in section 8 "Promoting healthy communities" are taken into account.

#### **ELAF APPENDICES to Proofs 1 and 2:**

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