

TRANSPORT & WORKS ACT 1992
APPLICATION FOR THE PROPOSED
NETWORK RAIL (ESSEX and OTHERS LEVEL CROSSING REDUCTION) ORDER

PROOF OF EVIDENCE ON BEHALF OF:

James Harry Reay
Department of Transport Reference: TWA/17/APP/05/OBJ/146

1. Introduction

- 1.1 This Proof of Evidence is submitted by Strutt & Parker LLP (S&P) on behalf of James Harry Reay in connection with their objection made against the proposed Network Rail (Essex and Others Level Crossing Reduction) Order.
- 1.2 An original objection can be found in S&P's email to the Secretary of State for Transport of 11th May 2017.
- 1.3 A Statement of Case was submitted in response to a letter dated 25th May 2017 from Angela Foster of the Department of Transport under rule 7(3) of the Transport and Works (Inquiries Procedure) Rules 2004 on 4th July 2017.
- 1.4 We ask that the Inspector considers the contents of point 1.2 and 1.3 above.
- 1.5 Subsequent to that a letter was received from Network Rail on the 29th August 2017 and a copy is attached at **Appendix I**.

2. Questions

- 2.1 As a result of the letter received from Network Rail (**Appendix I**) we would like to ask the following questions of Network Rail at the public inquiry:
 - 2.1.1 In paragraph 4 it states that 'the highway authority and they are not prepared to allow the route to simply be extinguished when the crossing is formally closed.' Please can Network Rail provide evidence of Essex County Council requirement as there has never been connectivity between the M11 and the railway line and is we believe over and above the requirement to provide an alternative route.
 - 2.1.2 In paragraph 5 the cul-de-sac referred to the north is due to the closure of the crossing over 2 years ago. If it was felt this was such a key link why was it not dealt with when the crossing was closed?
 - 2.1.3 In paragraph 6 paths EX/25/37 and EX/51/24 only exist due to the creation of the M11 motorway and have little historic bearing and there for ask why EX25/37, EX51/24 and

EX/25/7 should not be extinguished as part of this as the connectivity to the east of the railway line is no longer present and there is suitable connectivity to the south at Elsenham. As users can walk either west of the M11 north to south or east of the railway north to south, is there a need for the new route in between? What function does it actually serve? **Appendix II** shows a copy of the definitive map prior to the M11 being constructed for reference.

- 2.1.4 Paragraph 7 refers to paragraph 4.2 of the Statement of Case and doesn't consider the proposed alternatives. There is connectivity north to south on the west of the M11 via paths EX/51/12 and EX/51/13 and to the east of the railway line via Old Mead Road and EX/25/1, EX/25/26, EX/25/14 and EX/25/29.
- 2.1.5 In paragraph 8 it says that Essex County Council are keen to keep road walking to a minimum. Why is it acceptable for users to walk approximately 700m from the eastern end of EX/51/16 to the new route east of the railway line that connects to EX/25/15 and not approximately 150m to connect from the northern end of EX/51/13 and EX/25/37.
- 2.1.6 Please can Network Rail provide the correspondence mentioned in paragraph 9 in relation to these specific footpaths?
- 2.1.7 In paragraph 12 Network Rail confirms they have consulted with my client on 5th May 2016, my client disagrees and has only met Network Rail in relation to the closure of E07. As per paragraph 14 ALCross@networkrail.com has been asked for a copy of the records from the meeting with my client on that date, we are yet to receive this.

3 Summary

- 3.1 On behalf of Mr James Harry Reay we submit that the proposed new footpath is entirely unnecessary and ill-conceived by Network Rail. We request that you strike out their proposal as there are sufficient alternative within the existing public rights of way network.

Signed for and on behalf of Mr James Harry Reay:

.....
 Edward Rout
 20th September 2017

Appendix I: Network Rail Letter 29th August 2017

Appendix II: Historic Definitive Map



Edward Rout
Land Management Dept
Strutt & Parker LLP
Coval Hall
Rainsford Road
Chelmsford
CM1 2QF

Network Rail
James Forbes House
27 Great Suffolk St
London
SE1 0NS

29 August 2017

Ref: Obj/146/ES/R001

Dear Mr Rout,

**The Network Rail (Essex Level Crossing Reduction) Order
Level crossing E06 – Elsenham Emergency Hut**

Objector : Mr Jim Raey

Parish : Henham ; Plot(s) : 16, 17, 18, 19, 19A and 20

Parish : Ugley ; Plot(s) : 5, 7 and 9

The Department for Transport has passed to us your letter of objection to the proposed Order dated 11 May 2017, on behalf of your client, which has been allocated the reference OBJ/146.

We understand that you are instructed to object to the creation of a new footpath on your client's land and raise a number of objections. We set out the current and proposed status of the level crossing referred to in your objection in the table below.

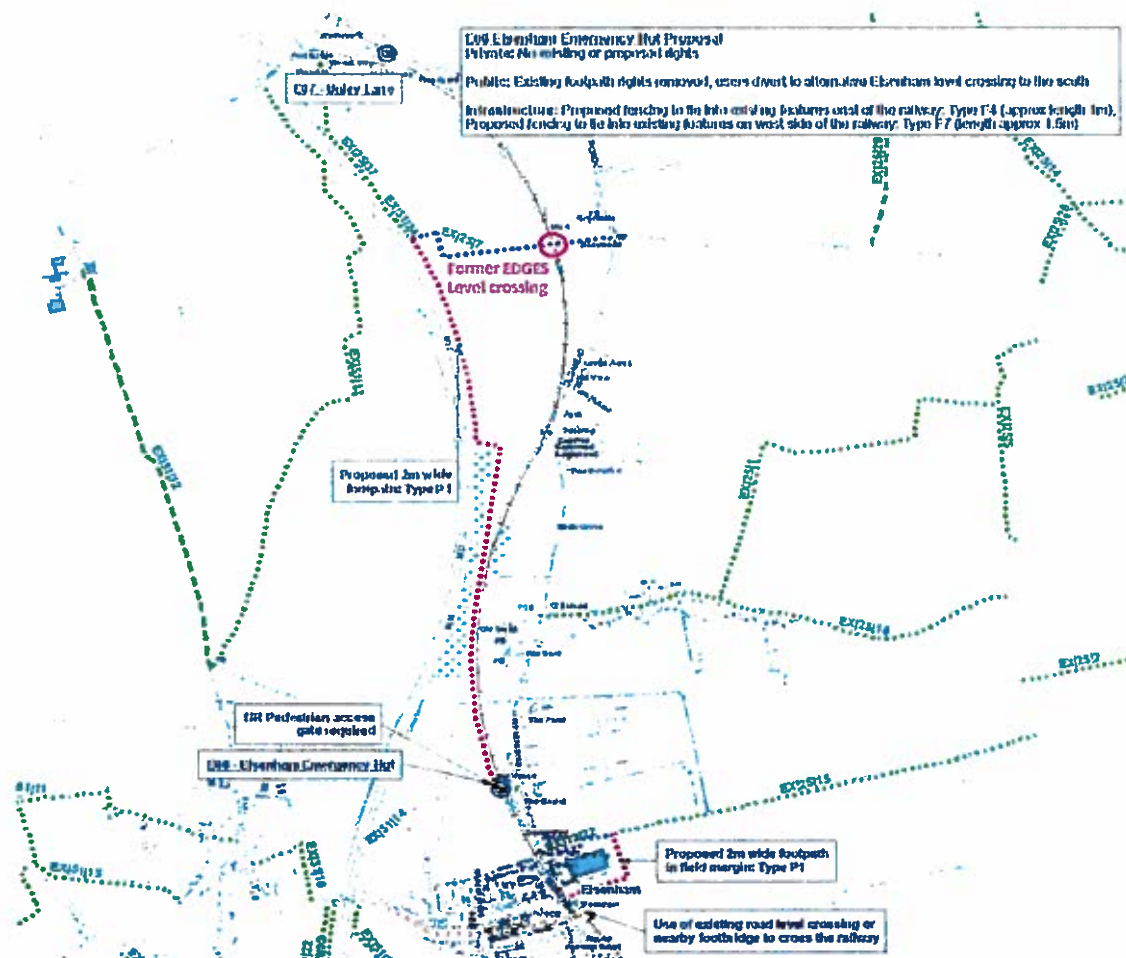
Level Crossing	Current Status	Proposed Status
E06 Elsenham	Footpath level crossing	Closure with diversion

Although your client raises no objection to the principle of closing level crossings, and understands the safety reasons, we understand that he objects to the creation of a new footpath which he considers unnecessary.

E06 Elsenham Emergency Hut level crossing has been subject to a temporary closure order for some considerable time due to having insufficient sighting and safety issues with stopping and non-stopping trains at Elsenham station. Network Rail has had detailed discussion with Essex County Council for some time and they are looking at a permanent solution to enable users to access either side of the

The section highlighted on Mr. Raey's land is part of a longer link that Essex County Council is keen to see created to link up a cul-de-sac that exists to the north.

The level crossing identified in green on Mr Raey's plan (and by the red circle below) was Edges level crossing. Edges level crossing closed in 2014/15. At the time of the closure Network Rail wanted to extinguish all of footpath EX25/7 but Essex County Council would not allow this to happen, leaving cul-de-sacs on either side of the railway. The Order proposals now include extinguishment of EX/25/7 removing this public right of way from your client's land.



Mr Raey is correct that most of the footpaths are in a broad east/west orientation. Essex County Council was keen to see better links in a north/south orientation. Our

proposal was therefore seen as a suitable replacement for the closure of the level crossing providing connectivity.

EX51/13 does run in a north/south direction, but it involves some on road walking and Essex County Council are keen to keep this to a minimum when linking footpaths. It is also further away from the village of Elsenham.

With the closure of footpath EX/25/7, as mentioned above Essex County Council have always been keen not to lose the connectivity potential that footpaths EX/25/37 & EX/51/24 could offer. Essex Highways Authority would also not allow EX/25/37 & EX/51/24 to be extinguished.

We note Mr Raey's concerns on risk of trespass on the railway. We shall keep the situation under review however, we do not believe that the proposal will encourage trespass onto the railway. There are private properties to the east of the railway and it is very unlikely that users would trespass through residences.

E07 Ugley Lane is a private level crossing which is proposed to be closed under the Order. There is a public road which crosses the railway line adjacent to it which will remain open.

In your final point, your client claims that they have not been consulted by Network Rail or its representatives, however our consultation records show that a meeting was held with Mr Raey on 5 May 2016 when he commented on the proposals.

We hope that our response has provided sufficient clarity on each of the points made in Mr Raey's objection, and has addressed his concerns about this level crossing. If so, we would be grateful if he would kindly let the Department for Transport know by withdrawing his objection. We look forward to learning your position.

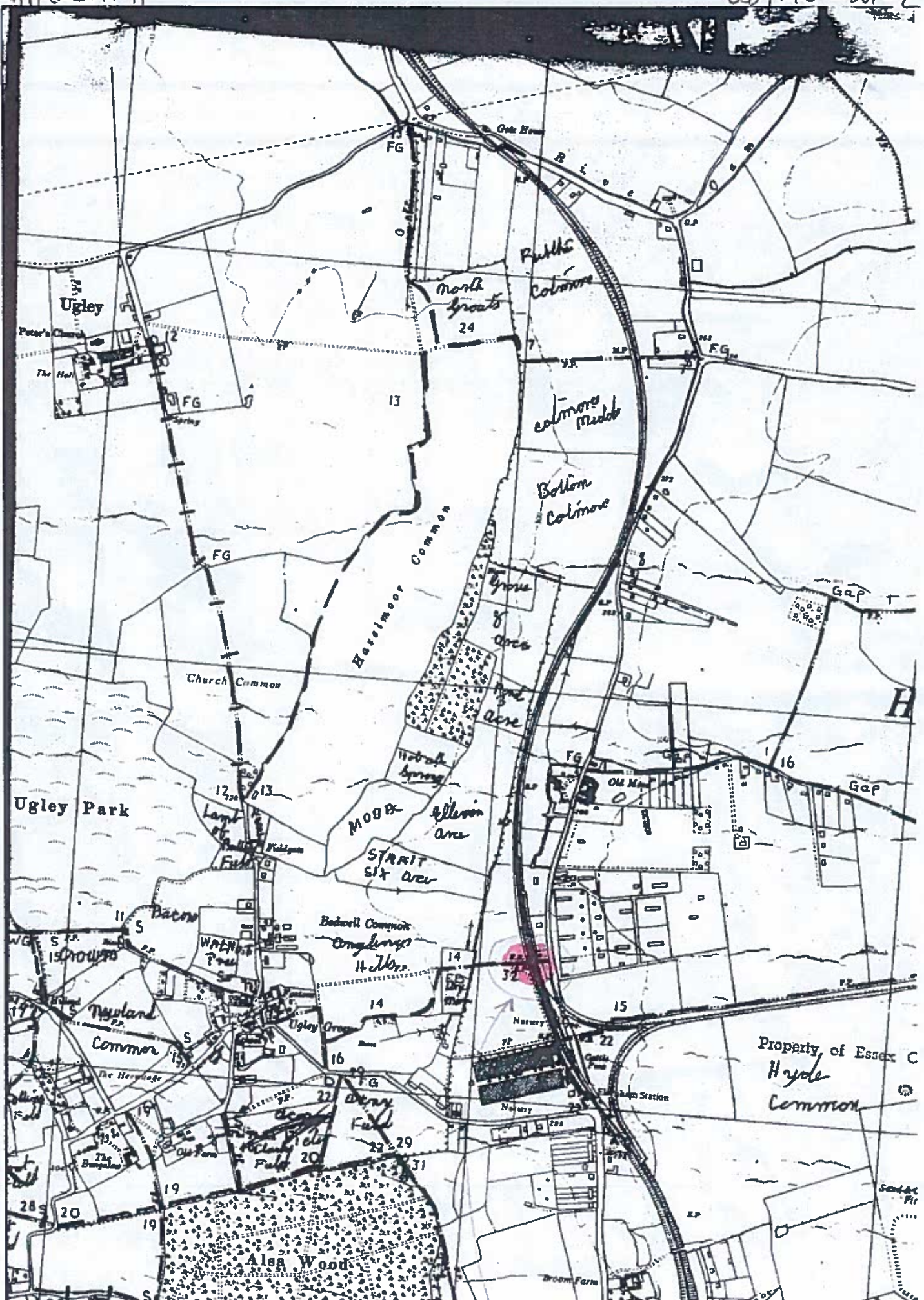
Meanwhile, if you require further information please do not hesitate to contact me on ALCross@networkrail.co.uk or on the address above, quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team
Network Rail



6 EOG
Crossing