

From: [Charles Gooch](#)
To: [Laurie Edwards](#)
Subject: Re: Network Rail Level Crossing Reduction Project - E57 [BK-BK.FID419612]
Attachments: [ATT00001.png](#)
[ATT00002.jpg](#)
[ATT00003.png](#)
[ATT00004.png](#)

Dear Laurie

Thank you. They didn't answer my further questions contained within my email below of 31st March regarding Plots 4, 12 and 15.

Can I have their answer as soon as possible please as the timescales are getting short.

Kind regards

Charles

On 19/04/2017 12:18, Laurie Edwards wrote:

Good afternoon Charles,

I have received a response to your queries from Network Rail as follows:-

1. Has the owner of third party land consented to granting me an easement for access from the adopted road to my property, allowing improvements to be made to their land and allowing future maintenance?
There are multiple landowners, and some of the land has gone bona vacantia. We are using the TWAO process to obtain consent from all affected landowners. If we cannot obtain the consent, the scheme will not proceed.
2. Would Network Rail carry out the improvements to the trail to allow access by large machinery, particularly as there are some pinch points, as pointed out to Andrew Prowse on 30th January.
Network Rail would make such alterations as are reasonably necessary, there may be a need to firm up some of the land to allow full access. Once on the land, it has been assumed that access would be sufficient as all land is currently accessible for cutting on a periodical basis.
3. Would Network Rail be maintaining the new access.
Only for an initial period to ensure any works done by us are to a satisfactory standard. Thereafter, maintenance would be for the user of the route.
4. Will Network Rail will be indemnifying me for legal and professional fees.
As previously advised, professional fees will not be reimbursed at this stage, if the powers are confirmed and notice to treat served a right to compensation will arise at this juncture. This may include professional fees where reasonable and reasonably incurred.

Kind regards

Laurie

From: Charles Gooch [<mailto:charles@estateoffice.org.uk>]
Sent: 04 April 2017 11:12
To: Laurie Edwards
Subject: Re: Network Rail Level Crossing Reduction Project - E57 [BK-BK.FID407336]

Morning Laurie

Yes, I have received the notice for Plot 23 today. Strange that they didn't send it with the others!

An early response to my queries would be appreciated.

Kind regards

Charles

On 04/04/2017 10:28, Laurie Edwards wrote:

Good morning Charles,

I have sent your queries onto Network Rail including those from 6th March and understand that a notice for plot 23 was sent to you yesterday.

Kind regards

Laurie

From: Charles Gooch [<mailto:charles@estateoffice.org.uk>]
Sent: 31 March 2017 16:39
To: Laurie Edwards
Subject: Re: Network Rail Level Crossing Reduction Project - E57 [BK-BK.FID407336]

Dear Laurie

Many thanks

Plot 23 - I have not to date received a notice for this plot, but it may well be on its way. I will let you know if it appears.

Plot 4 - I am unclear why rights in land are required for this plot when all the other plots in that area are only required temporarily. Please clarify. It may be an error.

Plots 12 and 15 - Can you confirm what rights in land your client is seeking to acquire? I assume a right of way. If so, why is it not temporary in view of the fact that the right of way would be needed for a temporary use? Also, who would be responsible for future maintenance?

Finally, I do of course need answers to my email of 6th March.

Please would you be so kind as to obtain your client's instructions within two weeks, so I have adequate opportunity to obtain legal advice and write to the Secretary of State with any representations or objections.

Kind regards

Charles

On 31/03/2017 15:26, Laurie Edwards wrote:

Good afternoon Charles,

Further to our telephone conversation please find attached pdf version of sheet 43 and the design freeze plan which should correlate with the plans you received with your formal notices.

Once you have had the opportunity to review, if you believe you should have received a notice regarding plot 23, please let me know.

I have emailed Network Rail to let them know that we have spoken and requested answers to your queries as discussed.

Kind regards

Miss Laurie Edwards

Bruton Knowles, 15 Castle Gate, Nottingham, NG1 7AQ
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From: [Charles Gooch](#)
To: [Cooper, Guy](#)
Cc: [Cole, James C](#); [Alexander Creed](#)
Subject: Re: Level Crossing Wivenhoe Park
Attachments: [image001.png](#)

Dear Guy

Thank you for your email.

I'm not sure whether we can ask for our objection to be held until the Environment Agency can reply. We have to get our Statement of Case in by the 6th July. If James doesn't think your position will be finalised by then, all I can do I think is to submit your email below and say that your detailed response will be available by the time of the Inquiry.

Your view on the importance of keeping the level crossing open as well as the risk to the sea wall by driving large vehicles on it are noted.

Kind regards

Charles Gooch

On 23/06/2017 15:57, Cooper, Guy wrote:

Dear Mr Gooch,

Following our telephone conversations I have had a discussion with my colleague James Cole in our Estates Team. They are currently dealing with 130 of these level crossing consultations from Network Rail.

Due to the volume of queries for so many individual proposals the Estates department are still compiling all the information and specifically objections to any of the proposed crossing closures so that we send a single response for them all to Network Rail. We aren't sending individual responses to each one. James said that, as with a couple of other objections from other parts of the Region, he is happy for you to include in your objection to Network Rail that you want your objection held while you wait for the final coordinated response from us.

As I said on the phone when we spoke a week or so ago, currently we access the sea wall for general maintenance and small repairs by tracking vehicles down from the B&Q end at Colchester. This is only possible when it involves small vehicles. If a larger repair were needed in the future or following a tidal surge and we needed to access the wall with larger plant then we would either have to carry out extensive works to strengthen certain stretches such as the crossing over Salary Brook or use the existing crossing over the railway line. The second option would still require some site preparation to ensure any vehicles used didn't do any damage to the crossing but would be more efficient in terms of access and reduce the potential to damage the sea wall. As the sea wall protects your land then clearly it benefits you as well for us to continue to have access to carry out repairs to the sea wall if required.

In general terms, if you needed to access any of your land with large vehicles via the sea wall then there is the risk of damaging the wall and, as we discussed previously, if that were to happen then we could take enforcement action to ensure repairs were done in an extreme case. So again it seems preferable for the level crossing to remain open for vehicle access.

The above is just a summary of what we had discussed previously and of my conversations with both our Estates and Operations teams. My colleague in Estates James Cole is happy for you to contact him for more specialist advice on our progress with this work. His contact details are:

james.cole@environment-agency.gov.uk

Internal : 49066

External: 0208 474 9066

Our numbers appear to be London numbers 020 because we use a phone system over the internet but we are based locally.

Kind Regards

Guy Cooper

Advisor – Essex, Norfolk & Suffolk

Coastal Partnerships & Strategic Overview Team

East Anglia Area

ENVIRONMENT AGENCY

Iceni House, Ipswich, IP3 9JD

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The Quadrant
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T 01908 782405
E FOI@networkrail.co.uk

Charles Gooch
By email: charles@estateoffice.org.uk

1st September 2017

Dear Mr Gooch

Information request

Reference number: FOI2017/00922

Thank you for your request of 2nd August 2017. You requested the following information:

Network Rail Level Crossing Reduction Project - E57

I have been reading Network Rail's Statement of Case. I have a few questions please:

- 1. There is no census for E57 in Folder 2. Was this omitted in error?*
- 2. Can you please provide the calculations to support an ALCRM score of B4 for this vehicular crossing?*
- 3. Can you please provide details of the one near miss and 2 instances of misuse at this crossing?"*

I have processed your request under the terms of the Freedom of Information Act 2000 (FOIA).

I can confirm that we hold the information you requested.

1. There is no census for E57 in Folder 2. Was this omitted in error?

There is no census for Wivenhoe Park UWCT because we did not measure usage in this way. The usage at a private crossing is measured by a questionnaire with the relevant landowner(s). The crossing also has telephones which must be used before

any vehicle is taken across the railway. Our signallers keep a log of the phone calls received, which gives an accurate picture of usage.

We would normally undertake a census to measure usage of a public right of way but we are not altering the public rights in this case.

2. Can you please provide the calculations to support an ALCRM score of B4 for this vehicular crossing?

Wivenhoe Park UWC is currently classified as M13 because it has had no recorded usage in over two years. It was previously recorded at B4 prior to the re-assessment in October 2016 as the gates were unlocked and it was used by cyclists and pedestrians. The gates have now been locked for over a year with no recorded use at the UWC section.

The footpath has now been fitted with gates rather than a stile meaning there is no reason at all for anyone other than the authorised user to use the UWC section. The signallers confirmed the lack of use and if the authorised user tells us he has been using the crossing, then it needs to be followed up by the British Transport Police for deliberate misuse and endangering the operation of the railway by not telephoning to gain permission to cross.

With regards to showing the calculation, I can advise that is completed by algorithms within ALCRM. We are able to give the information inputted such as traverse times and number of trains and vehicle crossings. I have attached the file referenced "Wivenhoe Park UWC DetailedResults Oct 2016" which shows the detailed results from ALCRM showing the usage as zero.

To explain in a little more detail, I have noted a few points about ALCRM below.

- ALCRM is a comprehensive and complex risk calculation model used to assess quantitative risk at level crossings, consistently and accurately. Its development has been based on extensive research and risk assessment approaches since the early 1990s.
- ALCRM's main purpose is to support Network Rail's broader level crossing risk management process by providing a consistent methodology for assessing the safety risks to crossing users, train passengers and train staff at level crossings on Network Rail controlled infrastructure.
- ALCRM is a quantitative risk model that also incorporates qualitative commentary to document decision making and the recording of observations relevant to the safety risk management of level crossing assets. ALCRM not only enables risk to be calculated and measured, it also helps to calculate the effect of risk control solutions by modelling the benefits as revised scenarios.

- ALCRM's calculated levels of risk are used as **one part** of Network Rail's overall risk management process, informing Network Rail of the relative risks of different level crossings and supporting, in conjunction with structured expert judgement, business decisions on crossing upgrades and closures.

Can you please provide details of the one near miss and 2 instances of misuse at this crossing?

There have been two instances of misuse at the UWC crossing. One was on 30th August 2012 where both gates were deliberately left open. The other incident was on 27th September 2013 where the gates were left unsecured.

We have no recorded instances of near misses at the UWC crossing.

I hope the information and explanation provided are useful to you, if you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk or on 01908 782405. Details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Anisha Pandya
Information Officer

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Appeal Rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the FOI Compliance and Appeals Manager at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at foi@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Web: www.networkrail.co.uk/foi



Mr C N Gooch
Wivenhoe Park Estate Office
Fen Farm
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Colchester
Essex CO7 7ER

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

6 September 2017

Ref: Obj/157/ES/R001

Dear Mr Gooch,

**The Network Rail (Essex Level Crossing Reduction) Order
Level crossing E57 Wivenhoe**

**Parish of Colchester, plots 11,14 and 15
Parish of Wivenhoe, plots 4, 5, 6, 7, 11, 12, 22, 23**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 11 May 2017, which has been allocated the reference OBJ/157. We have also received your statement of case.

We set out below the strategic context and background against which the Order is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around

the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practical.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see *Transforming Level Crossings 2015-2040*). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to the Statement of Case.

As you know, Network Rail is holding a series of meetings with the various parties objecting to the proposals for this crossing with a view to finding a solution. Following the meeting held with you on 31 August 2017, it has held discussions with Colchester Borough Council on 6 September 2017 and is still trying to arrange meetings with the University of Essex and Sustrans.

As you are aware, Network Rail is proposing to close your private (occupation) crossing used to access your land on the west of the railway, which is maintained as an environmental stewardship area. You have confirmed that the use of plant and other vehicles over the crossing is infrequent. The current usage of the culvert above Salary Brook by Environment Agency vehicles, pedestrians and cyclists does not in practice seem to cause any problems, and Network Rail's proposal will not be diverting significant additional traffic onto this route.

Network Rail's current position remains that the proposals in the Order are a necessary, suitable and convenient access route for the current user. It will keep the position under review as the various meetings progress.

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

Yours sincerely

A handwritten signature in black ink, appearing to read 'B. Choo-Bennett', with a stylized flourish at the end.

Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team
Network Rail