

Public Document Pack

Southend-on-Sea Borough Council

Department of the Chief Executive

John Williams - Director of Democratic & Legal Services

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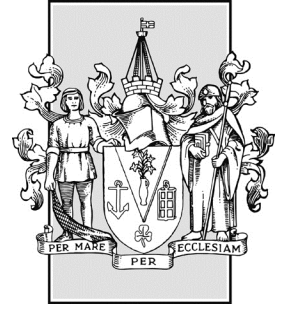
Fax: **01702 215994**

Date: 13 July 2017

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Contact Name: Tim Row

DX 2812 Southend



Dear Councillor

THE COUNCIL - THURSDAY, 20TH JULY, 2017

Please find enclosed, for consideration at the next meeting of the Council taking place on Thursday, 20th July, 2017, the following report(s) that were unavailable when the agenda was printed.

Agenda No Item

- 32. Woodgrange Close Railway Level Crossing Closure - Notice of Objection by Southend-on-Sea Borough Council (Pages 1 - 18)**
Report of the Deputy Chief Executive (Place)
(To be considered as part of Minute 148 of the meeting of Place Scrutiny Committee held on 10th July 2017).

Yours faithfully

Tim Row
Principal Democratic Services Officer

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Southend-on-Sea Borough Council

Agenda
Item No.

32

Report of Deputy Chief Executive (Place)

to

Council

on

20th July 2017

Report prepared by: Paul Mathieson Group Manager Major
Projects and Strategic Transport Policy

Woodgrange Close Railway Level Crossing Closure Notice of Objection by Southend on Sea Borough Council

Relevant Scrutiny Committee(s)
Executive Councillor: Councillor
Part 1 (Public Agenda Item)

1. Purpose of Report

To seek the Council's approval to formally object to the proposed closure of the railway level crossing at Woodgrange Close in accordance with the procedures of section 239 of the Transport and Works Act 1992.

2. Recommendations

- (i) That the Council's objection to the Order to close the crossing is confirmed.
- (ii) That the Council submits such evidence as may be required to oppose the application.

3. Background

Network Rail Infrastructure Limited ("Network Rail") has served notice on Southend on Sea Borough Council ("the Council") that it seeks to close the Level Crossing at Woodgrange Close and take powers necessary to implement such proposal.

Appendix 1 contains a summary note of the proposals, the rationale behind the decision to close the crossing and a description of the preferred option. From the summary note it is clear that 80% of the responses to the first consultation objected to the proposal (5 responses).

Appendix 2 contains the outcome of the second consultation, which again shows a 100% response objecting to the closure (6 responses).

The Council is the Highway Authority for roads and footpaths in the Borough of Southend on Sea including footpath number FP189 (“the Footpath”) which the Level Crossing is located.

The Council has previously objected to this proposal (actioned under Council Procedure Rule 46) on the following grounds:

- a. There are alternatives available to Network Rail other than closure of the Level Crossing such as the provision of a footbridge; a secured gated crossing; the provision of CCTV; improved lighting, signage and warnings and such other steps as necessary to ensure safety at the Level Crossing other than closure.
- b. The safety justification is not accepted and closure of the Level Crossing is a disproportionate response to the risk.
- c. The closure of the Level Crossing results in the severance and extinguishment of the route previously provided by the Footpath and used regularly by members of the public and the alternative route is nearly one kilometre in length.

It is not clear from the information provided by Network Rail that other options have been tested and consulted upon to ensure continued access, whilst ensuring safety.

The crossing is part of definitive footpath 189, which has been in existence prior to the railway being constructed in the 1850s and forms an important link in the public rights of way network. The user survey carried out over three days in June/July of 2016 by Network Rail showed a daily usage of 32 weekday crossings and 41 pedestrian crossings at the weekend.

Whilst a holding objection has been received and accepted by the Secretary of State, it is the case that for the objection to be valid it is necessary for a majority of the whole number of the Members of the Council (not just those in attendance) to pass a resolution to oppose the application. Hence the reason for this report.

The Secretary of State has decided to hold a public local inquiry into the closure of level crossings in Essex, Thurrock and Hertfordshire, of which the crossing at Woodgrange Close, Southend on Sea is one. It is proposed to supply further written evidence in support of the objection to the inquiry once a date has been set.

4. Other Options

One option would be not to object to the closure, but clearly the majority of responses favour the crossing staying open and the various alternatives have not been presented.

5. Reasons for Recommendations

To ensure that any representation made is in accordance with the requests of the Transport and works Act 1992.

6. Corporate Implications

6.1 Contribution to Council's Vision & Corporate Priorities

To maintain a safe, accessible network of public rights of way and ensure this contributes to walking to promote health

6.2 Financial Implications

None. The crossing is the responsibility of Network Rail as would be any alternative such as gate or bridge

6.3 Legal Implications

The submission needs to be in accordance with the Transport and Works Act 1992 and the Local Government Act 1972.

6.4 People Implications

None.

6.5 Property Implications

None.

6.6 Consultation

Consultation has been carried out by Network Rail.

6.7 Equalities and Diversity Implications

The increase in the length of the route could impact upon those with disabilities and this is something that should have been taken into consideration by Network Rail in reaching a decision to close the crossing.

6.8 Risk Assessment

Carried out by Network Rail.

6.9 Value for Money

Not applicable.

6.10 Community Safety Implications

The risk assessment carried out by Network Rail considers the safety of the crossing against pre-defined criteria. However, it is not clear how other options have been considered other than closure.

6.11 Environmental Impact

Does not appear to have been considered by Network Rail.

7. Background Papers

None

8. Appendices

Network Rail – Round 2 Consultation Flyer – September 2016
Southend-on-Sea Consultation Summary Round 2 Technical Note TN16
Revision A October 2016

Anglia Level Crossing Proposals

E32 – Woodgrange Close (Southend-on-Sea Borough Council)

Public Right of Way Reference – FP189

Network Rail has been working hard to better manage its level crossings and the risks they pose. It has developed proposals for the possible closure or change to public rights of way at around 130 level crossings in Anglia. Closing or modifying level crossings can help to bring about a number of benefits:

- Improve the safety of level crossing users
- Deliver a more efficient and reliable railway, which is vital in supporting the regional and UK economy
- Reduce the ongoing operating and maintenance cost of the railway
- Reduce delays to trains, pedestrians and other highway users
- Improve journey time reliability for railway, highway and other rights of way users

The level crossings in this initial phase of the Anglia Level Crossing Reduction Strategy do not include any new bridges or underpasses, and offer benefits which are currently affordable and deliverable.

Woodgrange Close is one of the level crossings in Southend-on-Sea Borough Council and has the postcode SS1 3EA. This is a stop, look and listen public footpath level crossing where the user has to decide whether it is safe to cross. The railway at this crossing carries passenger trains with a line speed of 75 mph. There are generally 176 trains passing through this level crossing per day.

Network Rail's level crossing risk assessments are supported by use of the All Level Crossing Risk Model (ALCRM). This produces a score for the 'individual risk' presented as a letter ranging from A to M, where A is the highest risk and M is the lowest. In addition 'collective risk' is based on the number of people who use the crossing, and is presented as a number ranging from 1 to 13, where 1 is the highest risk and 13 is the lowest. Woodgrange Close level crossing currently has an ALCRM score of C4, which is considered high risk. Key issues relate to sun glare, large numbers of users and frequent trains. There were 6 incidents of misuse, 7 near misses and 1 accident at this crossing between 2011 and 2015.

Public consultation was undertaken in June on initial options for changes at this level crossing. At this level crossing, five questionnaire responses were received. For Woodgrange Close, a summary of the questionnaire responses is shown below (route colours refer to the June 2016 Stage 1 consultation plan – please see the project website for details):

- 20 % of responses agreed with the proposals
- 80 % of responses disagreed with the proposals
- 40 % of responses preferred the red route
- 60 % of responses preferred another route to those shown

Generally concerns were raised over the length of the diversion route, the noise from the busy road, and the dangers of walking along the busy road. It was also suggested that cyclists travel at high speeds on the pavements and have hit pedestrians in the past. One question was asked as to what would happen to Pilgrims Close, if the closure occurs.

As part of the consultation process a wide range of statutory consultees, landowners and user groups were also consulted. The responses received have been taken into account when determining the preferred option.

During June and July of this year, Network Rail undertook new census surveys of the number and type of level crossing users. A three day census was undertaken (Saturday, Sunday and Monday) and the daily usage was as follows:

Weekday (Monday)	32 pedestrians
Weekend (average daily)	41 pedestrians

The consultation feedback together with a range of other factors such as user safety and convenience, environmental impacts and economic factors were used to determine a preferred option. In this case, an amended version of the red route shown at the June 2016 Stage 1 consultation has been taken forward.

Our preferred option is to close the level crossing to all users and extinguish FP189. Crossing infrastructure would be removed and fencing installed to prevent trespass onto the railway. Users would be diverted to the existing underbridge on Lifstan Way to the west of the level crossing. Users approaching from the north would make use of existing footways on Southchurch Boulevard and Lifstan Way. Users on the south side of the railway would make use of existing footways on Woodgrange Close, Woodgrange Drive and Buttery's. Access between Buttery's and Lifstan Way would be by the existing footpath.

Diversion lengths:

- The diversion route would add up to an additional 920m to the route

Photo 1: Existing level crossing



Photo 2: Alternative railway crossing (using underbridge)

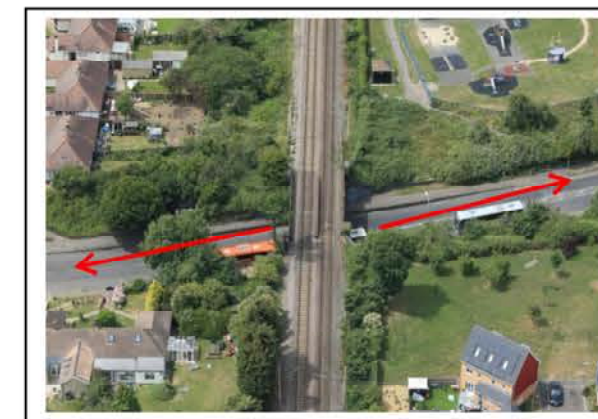
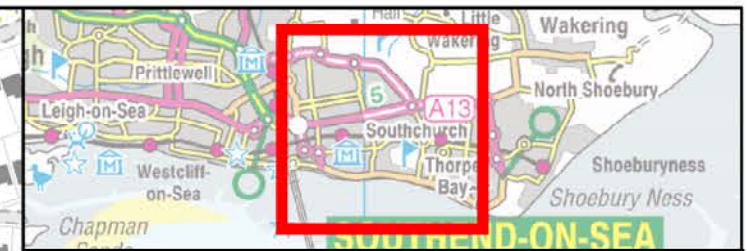


Photo locations are shown on the plan overleaf.

This summary sheet and a questionnaire are available at the public exhibitions and on the project website at: www.networkrail.co.uk/anglialevelcrossings. Please complete the separate questionnaire using the level crossing identification number **E32** and your feedback will be considered before the proposals are finalised ahead of submitting a Transport and Works Act Order to the Secretary of State.

To contact our team, please email us at: anglialevelcrossings@networkrail.co.uk or phone the helpline: **03457 11 41 41**. We thank you for your time and providing your comments on the Anglia Level Crossing Proposals.



- Level Crossings**
- Level crossing being discussed
 - Other level crossing in the project
 - Other level crossing not in the project

- Right of Way / Other Route Type**
- Footpath
 - Bridleway
 - Restricted byway
 - Byway open to all traffic
 - Highway (shown where used as part of a diversion)
 - Private Road / Track (shown where used as part of a diversion route)
- The line styles above indicate the type of right of way or other route proposed.

- Right of Way / Other Route Status**
- No Change and not part of diversion route
 - Use of Existing right of way for diversion route
 - Change of Status to right of way
 - Closure of existing right of way
 - Creation of new right of way
- The colours below indicate the nature of the proposal.

- Photographs**
- Photograph Location (with no. - see Summary Sheet for details)

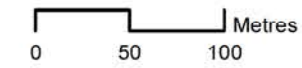
NetworkRail Anglia Level Crossing Reduction Strategy
 Round 2 Public Consultation Proposal

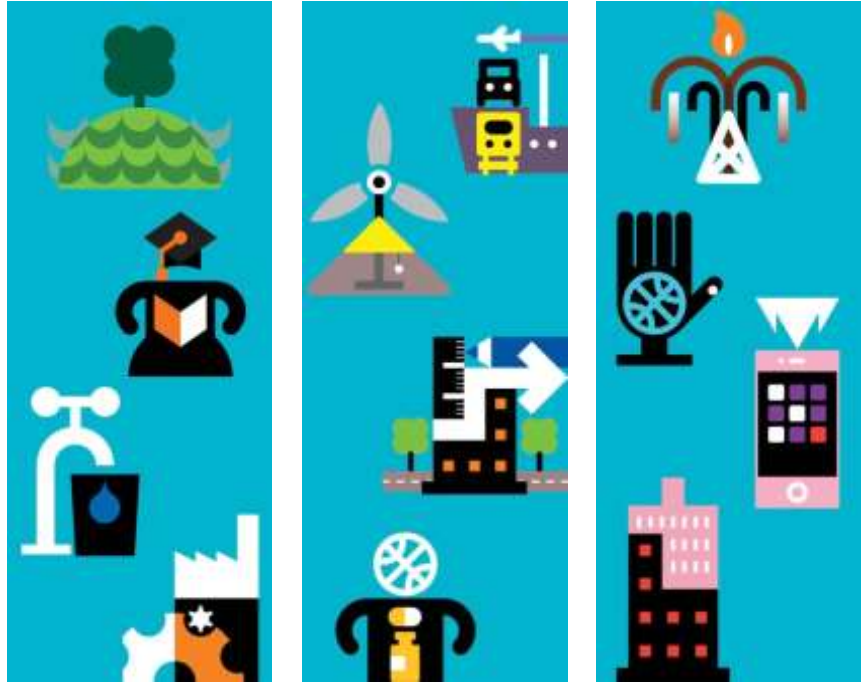
**E32 - Woodgrange Close
 Essex
 Southend-on-Sea (B)**

P1	16/08/2016	For Information	WC	DW	SJT	JAS
Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd

Scale at A3 1:4,000
 Drawing No. MMD-367516-E32-GEN-003

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Anglia Level Crossing Proposals

Southend-on-Sea Consultation Summary
Round 2
Technical Note TN16 Revision A

October 2016

Network Rail



Anglia Level Crossing Proposals

Southend-on-Sea Consultation Summary
Round 2
Technical Note TN16 Revision A

October 2016

Network Rail

Issue and revision record

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Contents

Chapter	Title	Page
1	Overview of Southend-on-Sea responses	1
2	Level crossing questionnaire results	2
2.1	E32 – Woodgrange Close _____	2
2.1.1	Number of responses _____	2
2.1.2	Level of agreement with preferred option _____	2
2.1.3	Concerns _____	2
2.1.4	Summary of comments received from questionnaires _____	3

1 Overview of Southend-on-Sea responses

Following the public consultation exhibition held in Wickford on Saturday 1st October 2016, 6 questionnaire responses have been received.

It should be noted that this document only reports on the questionnaire responses received at the public consultation exhibitions, via the online survey platform, or via the freepost address. There have been a number of additional responses received via letter or email (to anglialevelcrossings@networkrail.co.uk) relating to level crossing proposals in Southend-on-Sea. This report will be updated to include this information in due course.

The questionnaire is designed to obtain feedback on a level crossing by level crossing basis.

A breakdown of the type of respondent is provided below.

- 100% members of the public (6 responses)
- 0% representatives from a Local User Group (0 responses)
- 0% local stakeholders (0 responses)

Table 1.1 shows the level of response and support for the preferred option for the level crossing within Southend-on-Sea. A question was asked “to what extent do you agree with the preferred option for this level crossing?”

- Positive indicates that the respondent chose either “strongly agree” or “agree” in answer to the question.
- Negative indicates that the respondent chose either “strongly disagree” or “disagree” in answer to the question.
- Neutral or no response indicates that the respondent chose neither, “undecided/neither agree nor disagree” or did not respond at all to the question.

Table 1.1: Level of response and support for the preferred option at the level crossing

UID	Name	Event	Responses	Support for proposals (3 categories)		
				Positive (incl. strongly agree and agree options)	Neutral / No response	Negative (incl. strongly disagree and disagree options)
E32	Woodgrange Close	Wickford	6	0%	0%	100%
Total			6			

2 Level crossing questionnaire results

Further details on the responses to the questionnaires are provided below. The questionnaire gave respondents the opportunity to provide comments relating to their concerns about the preferred option. A summary of the comments, are also outlined below.

2.1 E32 – Woodgrange Close

2.1.1 Number of responses

There were a total of 6 responses for this level crossing. Responses received have been split into three categories: local stakeholders (i.e. Parish, District and County Councils), Local User Groups and members of the public. The following number of responses was received from these three categories:

- 6 members of the public

2.1.2 Level of agreement with preferred option

The following level of agreement with the preferred option for this level crossing (in absolute and percentage terms) was received:

Table 2.1: Level of agreement with the preferred option

Level of agreement	Number of responses	Percentage of responses
Strongly agree	0	0%
Agree	0	0%
Undecided / neither agree or disagree	0	0%
Disagree	0	0%
Strongly disagree	6	100%
Not answered	0	0%
Total	6	100%

2.1.3 Concerns

The following numbers of respondents were concerned with the following themes related to the proposals (respondents were given the chance to select multiple options):

Table 2.2: Level of response for each category of concern

Concern	Number of response
Pedestrian safety	3
Vehicle user safety	0
Convenience of the diversion route	6
Public Right of Way connectivity	5
Ground conditions/flood risk on route	0
Environmental impact	1
Impact on local businesses	1
Impact on the amenity of the area (i.e. landscape, noise etc.).	5

2.1.4 Summary of comments received from questionnaires

Public responses:

- “Basically it would be preferable if the level crossing was not closed. Surely in this day and age of increased congestion and obesity we should be encouraging people to walk and not increase the journey to such an extent that people choose to drive instead. Closing this will increase traffic and put more people on the road. The alternative route is too long an alternative for pedestrians and totally unusable for cyclists or the disabled due to the amount of steps on the floor from Lifstan way to Buttery’s, does this alternative comply with disability regulations? The near miss and accident statistics are represented to fit your ideals, risk on the already overloaded narrow path along Southchurch Boulevard by the church would most certainly counteract this. Basically this whole exercise is about cost cutting for your company and has no regard for the community severance this will cause. Also to note that your notices have only just been displayed for consultation purposes and yet this has been being discussed for months.”
- “It would be a travesty if this crossing is closed as lots of people have used this for years and years. How many people have been killed or injured at this crossing? This is not a nanny state; we should be allowed to cross safely without someone objecting. My mother, father, brother, sister, my three children; and now my grandchildren use this crossing. Have you got the right to close our right of way? Moreover, Woodgrange level crossing is an important link for the local community that we would like to see kept open for residents in this area. I beg you to please reconsider your closure and allow the people in the Southchurch area to have access to this crossing.”
- “Firstly, you ask if I agree with the 'preferred option', but if one can't attend the meeting it seems to be impossible to discover what the preferred option is. I've downloaded all the PDFs but nothing seems to state what is proposed, so I've assumed the preferred option is to close the crossing, which I disagree with. My reasons for disagreeing with any plan for closure are as follows:
 - 1. The crossing has excellent visibility along the line in both directions, so there is no danger of pedestrians failing to see oncoming trains.
 - 2. The safety record at this crossing is good.
 - 3. The crossing is part of a popular walking route from communities north of the railway line to the seafront. If it were closed walkers would have to detour along busy roads which reduce safety.
 - 4. The crossing is used by children and staff going to school. If it were closed they would have to walk further, alongside busy roads, wasting time and energy, or drive instead of walking, adding to pollution and road congestion.
 - There is no justification for closing this valuable crossing which has existed from the opening of the railway and was provided because there was a need, and that need still exists.”
- “Closure is long and along roads (not pleasant) and also involves loss of a RoW footpath.”
- “First thing, this crossing is an ancient right of way, is has been there long before the railway was even built and should be preserved for future use, to close it would be a disgrace. I regularly walk down this path as it connects well with the path that goes across the Thorpe Bay golf course. It does not matter what time of year it is, it's a pleasant walk and it's away from traffic. I have never been aware of an accident on the crossing although I am aware of a suicide at this crossing that that can happen anywhere on the railway network. The crossing is perfectly safe when used correctly, in the 1950's, my father even used to watch and record the steam engines that worked the Fenchurch Street line from

this crossing. It must and should be noted that it is adding a good half a mile to the route, it is a long way round and will add 15 minutes to every journey time. One thing that must be said, the notices about the options for the crossing were removed very shortly after they were put up, most likely deliberately by kids, etc., as a result, I expect not many members of the public will be aware of this crossings possible closure and a better awareness should be employed, e.g. leaflets, adverts in local papers, etc. Everybody in this area should be made aware of the possible closure and given the chance to give their views.”

- “There has not been an accident on this crossing in living memory. It is a safe crossing with good visibility in both directions and is part of a public right of way. The alternative is substantially longer, increasing the distance by at least a factor of three and I can see no good reason to close this crossing. I would also add that this consultation has been very poorly publicised, with the event getting next to no advance publicity, held in a town many miles from the location of the crossing, and this website being very hard to find. Frankly, this cannot be called a genuine public consultation.”