

Southend-on-Sea Borough Council

Agenda
Item No.

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