



Addendum Report to the Secretary of State for Transport

by Alan Beckett BA MSc MIPROW

An Inspector appointed by the Secretary of State for Transport

Date: 19 May 2021

TRANSPORT AND WORKS ACT 1992

TOWN AND COUNTRY PLANNING ACT 1990

**THE NETWORK RAIL (ESSEX AND OTHERS LEVEL CROSSING REDUCTION)
ORDER 201X**

APPLICATION FOR DEEMED PLANNING PERMISSION

Dates of Inquiry: 18 October 2017 – 13 February 2019

File Ref: DPI/Z1585/17/12

ABBREVIATIONS & GLOSSARY

CCTV	Close Circuit Television
DIA	Diversity Impact Assessment
PSED	Public Sector Equality Duty

CASE DETAILS

THE NETWORK RAIL (ESSEX AND OTHERS LEVEL CROSSING REDUCTION) ORDER 201X

And

APPLICATION FOR DEEMED PLANNING PERMISSION

- The Order would be made under sections 1 & 5 of, and paragraphs 2 to 5, 7, 8, 10, 11 and 16 of Schedule 1 to, the Transport and Works Act 1992.
- The deemed planning permission would be granted by a Direction under section 90(2A) of the Town and Country Planning Act 1990.
- The application for the Order and deemed planning permission was made on 31 March 2017 and there were 190 objections outstanding to it at the commencement of the local inquiry.

The Inquiry

1. The inquiry opened on Wednesday 18 October 2017 and was adjourned on the third day as an audit of the Book of Reference undertaken by the Land Agents acting for Network Rail had revealed that the required statutory notice had not been served on a number of parties.
2. The inquiry resumed on Tuesday 25 September 2018 and sat for 7 consecutive weeks before adjourning once again on 9 November 2018. Thereafter the inquiry sat on 20-23 November 2018, 4 – 6 December 2018 and 29 January 2019 to 13 February 2019, a total of 48 sitting days. The inquiry considered the above-named order drafted by the Secretary of State.
3. The Order and deemed planning permission would authorise the closure or downgrading of a number of level crossings in the Counties of Essex and Hertfordshire, in the London Borough of Havering, in the Borough of Thurrock and in the Borough of Southend-on-Sea. In relation to these closures or downgradings the Order would also authorise the carrying out of works including the removal of the crossings from the railway and the stopping up, diversion or downgrading of the status of certain public roads, footpaths, bridleways, restricted byways and byways open to all traffic and the creation of new public rights of way.
4. The Order would also authorise the construction of new footbridges to carry public rights of way over drains or watercourses. The Order would also permit Network Rail to acquire land and interests in land in connection with the construction of the works to be authorised under the Order.

E49 Maria Street

5. In considering the Report submitted to him, the Secretary of State has queried the basis on which the recommendation regarding E49 Maria Street ('E49') was made. The Secretary of State has noted that the report states at paragraph

5.36.25 that “*dropped kerbs are present at road junctions which would accommodate all users of the current crossing*” and that at paragraph 5.36.28 “*the proposed route is fully accessible*”.

6. The Secretary of State has also noted that these statements appear to be contradicted by the physical appearance of the footways at the Alexandra Road CCTV level crossing shown in the photograph contained within the DIA undertaken for E49. This photograph shows the presence of raised kerbs on the west side of Alexandra Road CCTV crossing.
7. The Secretary of State understands from the report that the accessibility of the proposed alternative route was the determining factor in my conclusion that the proposed route would be suitable and convenient for users of the current crossing. Given that raised kerbs were present on the western side of the Alexandra Road CCTV crossing, clarification was sought as to the factual basis on which the conclusion and recommendation found in the report was made.

Reasons

8. E49 Maria Street and Alexandra Road CCTV crossing are located on the Harwich to Manningtree railway line within the built-up area of Harwich Town. The railway line at this point is bounded by residential streets. A journey between E49 and Alexandra Road CCTV crossing can be undertaken on foot via Ferndale Road, Fernlea Road and Alexandra Road (on the east side of the railway) and via Maria Street, Albert Street and Alexandra Road (on the west side of the railway). At the corner of each of these roads are dropped kerbs which provide crossing points by which all users of the footway can cross from one side of the road to the other.
9. Dropped kerbs and an area of ramped tarmac was present at the western end of Ferndale Road which provided access to E49 from the east. There was a similar ramped access at the eastern end of Maria Street which provided access directly on to the road; the kerbs of the footways on Maria Street on the western side of the crossing being raised from the roadway.
10. As noted above, the photograph of the Alexandra Road CCTV crossing taken from the west shows the footways approaching the crossing to have raised kerbs. My recollection of the eastern approach to the crossing on the southern side of Alexandra Road is that the footway merges into an area segregated for pedestrians to traverse the crossing without a change of level. The segregated area is marked by a continuous white line running the full width of the crossing to the footway on the western side. On the northern side of Alexandra Road on the eastern side of the crossing the raised kerb of the footway met the continuous white line of the segregated area on that side of the road.
11. The physical characteristics of E49 and Alexandra Road CCTV crossing are therefore similar in that there are raised kerbs to the footways on the western side of both crossings. Whilst the approach to E49 from the east is accessible on both sides, there is only an accessible approach to Alexandra Road CCTV crossing from the east on the southern side. The dropped kerbs at either side of the junction of Fernlea Road and Alexandra Road would permit users to cross to the southern footway to approach Alexandra Road CCTV crossing.
12. It is acknowledged that the description of the proposed alternative route as being “*fully accessible*” (paragraph 5.36.28 of the Report) is therefore erroneous. The

alternative route is not fully accessible from the western side due to the raised kerbs on the approach to the crossing. However, the crossing appears to be no less accessible than E49 as there are raised kerbs on the footways on either side of Maria Street. I consider that users able to negotiate the raised kerbs on the western side of E49 are likely to be able to negotiate the raised kerbs on the western side of Alexandra Road CCTV crossing.

Other matter

13. Paragraph 5.36.18 of the report erroneously refers to Alexandra Road CCTV crossing being 100m to the south of E49. The distance between the two crossings along the railway line is approximately 180 metres.

Conclusions and Recommendations

14. Taking all these matters into account, I consider that the recommendation originally made in the Report in respect of E49 remains valid. The proposed alternative routes on the eastern and western sides of the railway would provide users of the current crossing with a suitable and convenient means of traversing the railway.
15. However, if the Secretary of State considers that the presence of the raised kerbs on the western side of the Alexandra Road CCTV crossing would result in an unsuitable and inconvenient alternative for users of the current crossing or that the PSED would not be met in relation to this proposal, then he should omit E49 from the Order.
16. Should the Secretary of State conclude that E49 should not be included in the Order, then the following modifications to section 14 of the report would be required:
 - in the table at paragraph 14.3 amend the entry for E49 Maria Street from 'Include' to 'Do not include';
 - in paragraph 14.4: amend the Schedule to the filled-up Order dated 13 February 2019 (NR/190) as follows:
 - in Schedule 2, part 2; 'Closure of level crossings not subject to opening of new highway': delete "*Maria Street*", "*District of Tendring Parish of Harwich*", "*Maria Street between points P288 and P289*", "*Path not on definitive map between points P288 and P289*";
 - in Schedule 8; 'Streets subject to Street Works' - Delete all entries with the exception of (a) "*County of Essex District of Uttlesford Parish of Newport Debden Road*"; (b) "*Parish of Elsenham Old Mead Road*"; (c) "*Parish of Kelvedon Snivellers Lane*";
 - in Schedule 9; 'Streets to be Temporarily Stopped Up', Delete "*Parish of Harwich*", "*Maria Street/Ferndale Road*", "*Within Order limits*";
 - in Schedule 10: 'Access to Works', Delete "*Parish of Harwich*", "*Vehicular access*";

Alan Beckett

Inspector