

Secretary of State for Transport,
c/o Transport and Works Act Orders Unit,
Department for Transport,
Zone1/18,
Great Minster House,
33 Horseferry Road,
London SW1P 4DR

Saturday 1st July 2017.

email: transportandworksact@dft.gsi.gov.uk

Dear Sir/Madam,

re: E41 Paget Road Wivenhoe and E42 Sand Pit Alresford pedestrian crossings.

I continue to object to Network Rail's (NR) proposed closure of these two crossings and I wish to address the inspector on a number of points.

I wish to rely on the following documents I previously submitted

1. My letter of objection of 29th April 2017.
2. The two sworn statutory declarations by C Schofield of 22nd and A Stinson of 23rd April.

In my letter of 29th April I raised the issue of loss of connectivity within Wivenhoe, as well as that of the unsuitable and slightly surreal alternative routes proposed by NR. Others making submissions to the Inquiry will elaborate on these two points, so I will not raise these matters in any detail.

The two sworn statutory declarations are included by way of evidence to demonstrate the existence of a public right of way by prescription. The fact the footpath is not registered on the Definitive Map maintained by Essex County Council does prevent it being a footpath to which the public have a right of way. The Definitive Map is merely a form of registration, not unlike that operated by the Land Registry. I understand that NR has accepted that Paget Rd is a public footpath. If so then there is no need for further discussion on that point.

However, I would like to raise the following issues at the public inquiry.

All public authorities are obliged to act reasonably. Where a public body has a safety policy, it is reasonable to expect that the policy will be implemented fairly and any decisions based on evidence. Each situation must be carefully examined on its own merits, rather than on a generic one size fits all approach.

The situation at E41 and E42 has not substantially changed in the last 150 years or so. There is no evidence that either crossing is more dangerous than previously, other than that NR has reinterpreted its own safety standards to reach a conclusion of its own determination.

In so doing, NR seeks to transfer any risk at E41 and E42 to Essex Highways and the local community. To do so in this way is to undermine natural justice by exercising a statutory power in an arbitrary manner.

NR has run several consultation exercises, but on each occasion made it amply clear during conversations with representatives of NR that the end result will be closure of both crossings, regardless of any evidence that contradicted the policy or any other effects on the local community. There was to be no meaningful discussion or intelligent consideration of NR's plans. All who attended the consultations came away with the distinct impression that NR did not conduct the exercise with an open mind.

In other words, NR has determined in advance to make two crossing closures on safety grounds, despite the lack of evidence of any real danger to its staff, the travelling public or the general public.

I look forward to your acknowledgement.

Yours faithfully,

Cllr Cyril Liddy,
Ward councillor for Wivenhoe.