



COCKAYNES WOOD TRUST

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Statement of Case (Sand Pit Alresford Pedestrian Crossing)

To:

Network Rail
c/o Winckworth Sherwood LLP
Minerva House
5 Montague Close
London SE1 9BB

Reference: TWA/17/APP/05/OBJ/117 – E42 Sand Pit Alresford Pedestrian Crossing

1st July 2017

Objection to the proposed Network Rail (Essex and others level crossing reduction) Order under the Transport and Works Act 1992

I am writing to you on behalf of Cockaynes Wood Trust (CWT) to serve a statement of case with a view to giving oral evidence at the Public Inquiry on the Application for the proposed Network Rail (Essex and others level crossing reduction) Order under the Transport and Works Act 1992, as required by the Secretary of State under rule 7(3) of the Inquiries Rules. The statement of case is as set out in my letter to the Secretary of State of 9th May this year. It relates in particular to the proposal for the E42 Sand Pit Alresford Pedestrian Crossing. The text of this letter/statement of case is as follows.

Statement of Case

I am writing to you on behalf of Cockaynes Wood Trust (CWT) concerning proposals to close and divert the E42 "Sandpit" Pedestrian Crossing, and to divert the public footpath onto the roadway of the Alresford–Wivenhoe Road over a dangerous, narrow, walled bridge with a 60mph speed limit, and no footway, refuge or escape route for pedestrians.

CWT have a direct interest in the proposals relating to this crossing as it provides access to the Cockaynes Wood wildlife site which CWT manages (with Essex Wildlife Trust – EWT). This wildlife site is made up of part of the former Villa Farm Quarry, Villa Wood, the ancient Cockaynes Wood, and the access track from Alresford Road. These are all on a long-term lease from Brett Aggregates. The site is popular with people from Alresford, Wivenhoe, and beyond. The proposal to close this crossing would have a devastating impact on safe access to the site by public rights of way – and more generally to those walking between Alresford and Wivenhoe on routes that cross the Cockaynes Wood wildlife site – and would lead to a dramatic net increase in risk to walkers using public rights of way. It appears inappropriate to use the Transport and Works Act to push through these diversions; the proposals do not seem to fall within the scope of the Act, which is intended for new routes, and it bypasses many of the crucial checks and balances of the normal procedures for stopping up and diverting a highway or public footpath.

At present someone approaching the Cockaynes Wood site from Marsh Farm Lane (e.g. from

Alresford Creek) or along the marsh footpath (e.g. from Wivenhoe, by way of the sea-wall footpath) would turn right at the junction with Wivenhoe Road, and walk safely on the grass verge of the road and turn left and along the farm footpath and over the crossing to Cockaynes Wood nature site, with access to the public footpath through Villa Wood, and permissive access to the rest of the site, including a footpath and bridge that gives access to the public footpath through Cockaynes Wood itself. When it comes to public rights of way for walkers, the E42 crossing is the only safe access to the site from these directions.

However if forced to use the diversionary route, visitors would have to walk along an exceptionally dangerous part of the road over the railway bridge. This bridge has no pavements, no refuges, and no means of escape from vehicles. This road is used by frequent scheduled buses and commercial vehicles. It has no speed restriction. This is a particular danger in the event of traffic using the bridge in both directions at the same time. There is barely sufficient room for two larger vehicles to pass each other. There are also restricted sight-lines in both directions. This makes it impossible to determine when it is safe to traverse the bridge without being in contention with vehicular traffic. If vehicles enter the bridge from both directions while a walker is attempting to cross, then the risk of an accident is very high, particularly given the high speed of traffic at this point. Even leading up to the bridge crossing, there is only a very narrow footway on the east side on the 100m stretch from the marsh path junction. There have been frequent expressions of concern about pedestrian safety along the Alresford Road, and that is on sections with verges, and without walls, although requests by councillors to have the speed limit reduced were rejected by the highways authority. If E42 were closed, then anyone walking between Wivenhoe and the wildlife site along public rights of way who would wish to avoid the dangerous bridge crossing would still be obliged to walk along this exceptionally dangerous road with no footpath and very limited, and sometimes non-existent, verges.

The proposal is contrary to planning policy to divert a public footpath to run along a roadway.

In addition to the dangerous bridge crossing, the proposed new public right of way involves a section of unpaved track that is susceptible to serious flooding, and also poses additional risks for users as the track is used periodically by heavy plant to access the site. In the event the site is returned to the landowner for commercial use, the diversion of a footpath to run on this sole vehicular access to the site would present a serious impediment to commercial use of the site, and a further safety risk.

Concerning alternative routes between the Cockaynes Wood wildlife site and Wivenhoe which are currently in use (and probably more popular than the E42 crossing), it is important to note that while there is a public footpath on the track to Sunnymead Farm from Alresford Road, there is no public right of way on the track to the West of Alresford Road over Bowes Farm. If the E42 crossing is closed, there would be no safe pedestrian access along any public right of way between the wildlife site and Wivenhoe. While many might like to see track between Alresford Road and Wivenhoe formalised as a public footpath, as things stand the landowner is at liberty to block this route, which, in conjunction with a closure of E42, would then mean there would be no safe access between the Cockaynes Wood site and Wivenhoe, even on routes that are not public rights of way.

We understand that some potential mitigation measures have been contemplated, such as paved footways on the approaches to the bridge, and reduction in speed limits over the bridge. We do not consider these to be adequate to address the fundamental safety problem of diverting a public footpath on the roadway, with no intermediate points of exit or refuge. Pedestrians would most

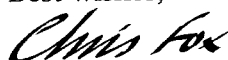
likely used the verges where available. Paving the verges would both detract from the rural nature of the area, and make no difference to the safety of those venturing to cross the bridge, who would still be required to walk in the roadway.

While a reduction of the speed limit might be welcome for other reasons, it also does not address the fundamental safety issue on the bridge. Traffic is often braking hard on the approaches, especially with oncoming vehicles, and for the bend on the east-side, so is probably already travelling closer to 40mph than 60mph on the dangerous section, but this does not address the fundamental safety issue. The risk of an impact would not be significantly reduced, and the potential for fatalities is still high in the event of an impact. It is not clear that Network Rail has the authority to institute the necessary orders or works. The case could be made that these are a serious extension of the terms of the Transport and Works Act into areas that should be handled under regular highways legislation, and by so doing, avoid proper scrutiny.

The analysis and reporting the results of earlier consultations appear to be defective. Despite assurances that had been made to the contrary, the summary analysis only counts questionnaire responses, not written or emailed responses. I am personally aware of at least two responses against the proposal which would not have been counted. Whether included in the reported count or not, it would seem appropriate to treat objections which are considered not to present an alternative should be considered to be in favour of maintaining the existing railway crossing.

The E42 crossing has very good unobstructed sight-lines, which in combination with the relatively modest volume of pedestrian traffic, means that it would appear to be significantly safer for pedestrians to continue to be able to use this crossing – for which there have been no safety-related incidents according to NR's own records – than be forced to walk along the clearly dangerous alternative route that has been proposed. Other alternative routes along public rights of way also present a very high risk of accident to site visitors and those walking on public rights of way between Alresford and Wivenhoe. Any closure would have an impact on many popular routes for walkers, and thus have a deleterious impact on public amenity and opportunities for safe, healthy exercise. For these reasons, the proposal to close E42 and replace it with the diversion over the road bridge should be withdrawn.

Best wishes,



Dr Chris Fox
On behalf of CWT

Cc: This statement of case has also been sent to the Secretary of State, c/o Transport and Works Act Orders Unit.