



NETWORK RAIL INFRASTRUCTURE LIMITED

THURROCK DCO – ISSUE SPECIFIC HEARING (TRANSPORTATION AND TRAFFIC)

27 APRIL 2021

Attendees

Network Rail Infrastructure Limited (NR)

Maureen Rosse (MR)

Steve Day (SD)

Michael Jacques (MJ)

Jason Dickson (JD)

**Addleshaw Goddard LLP
(on behalf of Network Rail Infrastructure Limited)**

Charlotte Jones (CJ)

**Burges Salmon LLP (on behalf of Thurrock Power
Ltd)**

Paula McGeady (PM)

Thurrock Council

Matthew Ford (MF)

Summary of Network Rail's oral submissions at Issue Specific Hearing

AGENDA ITEM 3 – MAIN DISCUSSION POINTS – LOW STREET LEVEL CROSSING, PRINCESS MARGARET AVENUE LEVEL CROSSING AND STATION ROAD

ExA Question / Context for discussion	Response
<p>Joint submission</p> <p>The ExA requested an update from the Applicant in relation to the joint statement between the Applicant and Network Rail</p>	<p>PM confirmed that discussions with Network Rail were ongoing. Agreement has been reached about the volume of traffic over the level crossings and that works to the Low Street level crossing approach roads and the closure of level crossings are unnecessary. The Applicant will contribute to Network Rail's upgrades to fencing along the exchange common land and upgrades to the Walton Common level crossing gates to prevent unauthorised access. The main issue that remains to be agreed is the distance between the Low Street level crossing and the proposed junction to the proposed access road.</p> <p>CJ confirmed that this summary largely reflected Network Rail's concerns and added that Network Rail is also concerned about its rights over the proposed access road which it requires in order to reach Walton Common level crossing for inspection and maintenance purposes.</p>
<p>Network Rail's concerns</p> <p>The ExA requested that CJ provide further details on Network Rail's ongoing concerns</p>	<p>Access over Access Road</p> <p>CJ confirmed that the Applicant is willing to provide Network Rail with access to the access road insofar as it is able to under its agreements with the landowner. Network Rail was initially concerned that the Applicant would acquire the freehold of the relevant land but now understands this to be a fall-back position and that the Applicant intends to acquire the leasehold interest only. Nevertheless, such leasehold interest would almost certainly provide the Applicant with exclusive possession of the Access Road and Network Rail maintains its submission that it requires a grant of access rights over the Access Road.</p> <p>CJ confirmed that Network Rail currently accesses the Walton Common level crossing via an agricultural track which it uses on an informal basis. MR confirmed that Network Rail contacts the tenant farmer each time access is required and this arrangement should not alter if the DCO is granted. However, Network Rail's concern was that if the freehold was bought from the Applicant, the current arrangement would not continue.</p>

	<p>Junction to access road CJ confirmed that current proposals position the junction to the access road 45 metres from the stop line to the Low Street Level Crossing. Network Rail considers that this distance is too short and is concerned that it would result in the backing up of traffic over the level crossing. Network Rail therefore requires the junction to be moved to a distance of at least 90 metres from the Low Street Level Crossing and the installation of warning signage to further mitigate the risks of traffic backing up over the crossing. If the distance between the junction and the Level Crossing were to be less than 90 metres, electronic traffic lights connected to the Low Street level crossing would be required.</p>
<p>Access Road Junction</p> <p>Network Rail and the Applicant set out their positions with regards to the ongoing access road junction negotiations. The ExA asked questions on the installation of mitigation measures, the level crossings order and the 90 metre requirement.</p>	<p>Concerns with Low Street Level Crossing MR explained that the Crossing has been identified as providing the highest risk of derailment on the Anglia route as a result of the volume of traffic using it. Network Rail accepts that the Project does not increase the volume of vehicular traffic but it cannot accept any increase in the risk which would occur if the access junction were located at the position proposed by the Applicant without sufficient mitigation measures being put in place.</p> <p>The volume of traffic using Low Street Level Crossing has gradually increased. MR referred to traffic surveys undertaken by Network Rail at the Crossing and stated that while in 2004 an average of 95 HGVs per day used the Low Street Level Crossing, this rose to 395 per day by 2020. Another survey is due to assess the current levels of vehicle usage. There have been four barrier strikes in the last year at Low Street level crossing, with HGVs hitting the barriers, and there have been instances of lights being struck.</p> <p>There are risks of blocking back over the level crossing. MR notes that the Applicant has said that there is space for 1 or 2 HGVs queuing. However, it should be taken into account that the approach down Church Road is narrow and HGVs tend to wait there also. In addition, if the access road remains in its current proposed position, vehicles that come down Church Road and see something waiting on the access road may stop on the level crossing to allow them to come out. There is also the risk of derailment from unfamiliar drivers coming round the Church Street bend at 50 mph and shunting any waiting vehicles onto the railway line which would cause delay on what Network Rail considers to be a vital freight link and passenger corridor in this area.</p>

MJ noted that given the type of level crossing system in place at Low Street level crossing, there is a potential for the barrier to lower on vehicles waiting on the level crossing before the signaller is altered to the presence of a vehicle on the line. There therefore needs to be sufficient room along the road for HGVs to queue. **MJ** acknowledged that this risk is already present irrespective of whether or not the Project goes ahead and it is already being managed. However, it should be considered as part of the risk profile of Low Street level crossing which would be exacerbated by the proposed position of the Access Road junction.

Mitigation measures

MR explained that any traffic entering onto a road in close proximity to a level crossing needs to be advised that it is entering an area with a level crossing. A warning could be provided by means of warning signage or electronic traffic lights connected to the level crossing. **SD** confirmed that electronic traffic lights would be installed and maintained by Network Rail under a Department for Transport level crossings order (**Order**) which authorises the placement of all equipment concerning the level crossing.

The Order

MR explained that under the Order where a junction is proposed within 90 metres of the Low Street Level Crossing, a variation to the Order is required to refer to and allow for appropriate mitigation measures. Where risks are low, small amendments, such as the installation of signage would not require a variation of the Order and consultation and Network Rail would just submit an updated plan at the next iteration of the Order. However, the significant risks (particularly the increasing traffic) at this location mean that Network Rail would not allow this.

Given the overall risk, the access road junction should be at least 90 metres from the Low Street level crossing and electronic lights installed. The installation of electronic lights is not an objective standard set out in the Order, but based on Network Rail's assessment of the risks and the necessary mitigation measures. The installation of the electronic lights would require a variation of the Order; the consultation process for such a variation could take up to 6 months and the installation would be a minimum cost of £125,000-£200,000. Locating the access road over 90 metres from the Low Street level crossing would not require a variation of the Order and would save time and costs.

If the access road were located at 90 metres, vehicles turning onto Station Road would see existing warning signage. Should the access road be located 45 metres from the Low Street level

	<p>crossing, vehicles turning left would not see the current warning signage therefore additional signage would need to be installed between the level crossing and the access junction. However, given the risks in this location Network Rail would not be willing to rely solely on the updated signage.</p> <p>Should the access road junction be less than 90 metres from the Low Street level crossing, an additional electronic traffic light connected to the Low Street level crossing would need to be installed so that those turning out of the access road would know what is happening on the level crossing.</p> <p>Justification for the 90 metre distance from the Low Street Level Crossing PM requested an explanation as to where the objective standard of 90 metres comes from and why it is necessary. In addition, PM noted that there is a pylon at 90 metres therefore the Applicant could move the access road to the north of the pylon but it cannot move it further south as this would be outside the corridor of the Order.</p> <p>The Applicant and Network Rail agreed to continue discussions on this issue outside of the hearing.</p>
<p>Speed reductions</p> <p>Network Rail and Thurrock Council set out their positions with regards to speed reductions on the Low Street level crossing approach roads. The ExA asked questions regarding the consultation procedure for speed reductions.</p>	<p>MR noted that Network Rail require confirmation from Thurrock Council that there is no plan to increase permitted speeds on Station Road as otherwise the mitigation measures would have to be adjusted.</p> <p>MF noted that the Council had not had discussions with Network Rail or the Applicant about this issue. MF explained that through the Council's assessment as highways authority, it had identified that the location of the access road junction arrangement at 45 metres was an improvement as compared to the position of the existing agricultural track which is adjacent to the Low Street level crossing. Moving it further back would have a negative impact on visibility.</p> <p>MR clarified that the existing agricultural track is close to the Low Street level crossing. However, there is space to park away from the road and the gate opens towards the land. Network Rail had previously approached Thurrock Council regarding a reduction of speed on Church Road which was declined.</p>

	<p>MF confirmed to the ExA that any speed change to the road network would require a Traffic Regulation Order which, if their assets were in proximity to the network in respect of which the change was proposed, would require consultation with Network Rail. Network Rail's request for a speed reduction on Church Road was received by Thurrock Council but was rejected as there was insufficient evidence that the reduction in speed would increase safety or be enforceable by the police.</p>
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