

Brookfields / Mill Lane / Archer Street – Temporary Construction Compound & Access Route.

Introduction

This rebuttal relates to the revised plans submitted by Network Rail in connection with the proposed temporary construction compound and associated access arrangements at Brookfields, Mill Lane, Spring Street and Archer Street.

- The revised plans were formally submitted on the 8th May. This was only four days prior to the Proof of Evidence submission deadline (12 May). This provided insufficient time for residents and objectors to properly review and respond to the amended proposals. Network Rail had originally disclosed potential revisions 3 weeks earlier at the pre inquiry meeting.
- The revised plans have since been altered another two times. These were “clarifications” (received 19th and 20th May) The second clarification just 9 days before the rebuttal deadline and the on the same day Rob Muir submitted his rebuttal.

Why were the detailed dimensions of vehicles not disclosed in the original revised plans? This together with the late submission of Network Rail’s revision could be perceived as an underhand attempt to destabilise resident’s case. **I request that this information is brought to the attention of the inspector and is added as evidence for the objectors.**

As a result this rebuttal contains information from the revised plans and two clarifications provided by Network Rail. **(Exhibit CW a)**

I am presenting this rebuttal from the perspective of residents who are disabled, vulnerable, or otherwise protected under the Equality Act 2010, including myself as a disabled resident. This rebuttal focuses specifically on the adherence to the Act, Public Sector Equality Duty (PSED) and the welfare implications of the proposals upon protected residents.

Rebuttal

Failure to Address Equality Act Duties

The revised or clarifications of proposed plans still do not comply with the Equality Act 2010, PSED and no due regard has been given to protected groups within the residents I am representing.

- Despite the revisions there has still been no communication, a lack of meaningful engagement, and there is no attempt to minimise isolation, prevent deterioration in wellbeing, or a worsening in mobility for disabled residents.

Emergency Access Concerns

Emergency vehicles will still not be able to gain access to properties when inevitable extra traffic or vans occupy or obstruct the road as this is currently not always possible regardless of extra traffic. This risk is particularly dangerous given the restricted width and layout of Mill Lane, Spring Street and Archer Street. This shows lack of Due Regard and Anticipatory Duty by Network Rail.

The first clarification document does not state what

- What other types of 3.5 tonne vehicles will be used,
- How many times of day,
- the volume of traffic or length of stay?
- If an impact assessment been carried out on turning radius, blind bends, obstruction of parked cars.

It states "we have used these types of vehicle previously with no issue" **The absence of recorded incidents doesn't equal absence of harm or risk.**

- Mill Lane, Spring Street and Archer Street would remain congested, hazardous and at times impassable due to the extra volume of traffic created. The addition of more unnecessary traffic could prove fatal.
- In order to avoid repetition, photographic evidence supporting this is provided by Rob Muir in his area of of the case.

According to the first “clarification” Network Rail suggests “a welfare van/ mini bus would be used ‘primarily’ for staff transport” and the second clarification amends the size of vehicles to 3.5 tonne. This phrase is also repeated in the Statement of Common Ground reached with TMBC. **Exhibit (CW b)**

If the site is “primarily being used for staff drop off for what reason is a Welfare Van needed?”

Network Rail, NR/L3/INI/CP0036 – The Provision of Welfare Facilities, Issue 4, 26 August 2008. **(Exhibit CW c)**

Appendix A.1 of this document sets out the Welfare Assessment Requirements.

“Category B: Transient site. Arrange for suitable and sufficient temporary welfare facilities e.g Welfare vehicles”.

A transit size welfare van would come under category B. It cannot bypass the strict staff/ratio regulations stated in table A.1. A temporary welfare vehicle poses significant disruption regardless of size. As a result we request that **NOTE 2** (in the document) should be invoked, utilising using the many local facilities or indeed the main welfare vehicle at the compound instead.

A welfare van will have a significant direct impact on disabled and vulnerable residents because they inherently generate:

- repeated vehicle movements;
- servicing visits;
- waste collection;
- staff congregation;

This demonstrates that welfare vans, whatever the size, are intended to support consistent operational activity rather than occasional or insignificant use regardless of size.

The cumulative effects of welfare vehicles, mini vans, extra traffic, and servicing movements have not been properly evaluated. Network Rail’s proposals downplay the noise and fumes, which severely and disproportionately affect residents with health conditions even if the vehicles are lighter than originally stated.

Equality Impact Assessment and Diversity Impact Assessment

I have seen **no evidence** of an Equality Impact Assessment or Diversity Impact Assessment in relation to the original, revised or clarification of plans. Given the significant implications for disabled and vulnerable residents this remains deeply worrying looking at how it will strip vulnerable people of their independence. Upon my request for a DIA I was informed there wasn’t one and simply presented with Appendix 4 of the DIA of Moorgate Halt.

Brookfields Access Arrangements

- According to the revised diagram, land hatched in blue is proposed for staff parking and delivery of goods.
- The review refers to “temporary” restrictions affecting part of the Brookfields pathway, which currently serves as an important alternative access route when Mill Lane becomes inaccessible. The plans are unclear and appear contradictory regarding the precise location and extent of any closure. Clarification is needed on this matter.

Conclusion

- The revised and twice clarified proposals fail to adhere to The Equality Act 2010 and PSED as well as showing a lack of Anticipatory Duty. They present disproportionate impacts upon disabled and vulnerable residents and continue to cause unresolved extreme worry amongst Disabled residents.
- Network Rail are formally submitting revisions to the inquiry close to the rebuttal deadline day, again giving us no scope to respond.
- The clarified and previously undisclosed weights and sizes of vehicles make no difference to the case of the objectors. It is common sense that smaller vehicles will result in using more of them therefore increasing overall traffic volume and harm to residents.
- The revisions and clarifications merely rely on semantics and the presumption of resident’s naivety and ignorance causing uncertainty and stress for already vulnerable residents.

Accordingly, these matters should be given significant weight by the Inspector during determination of this inquiry.

Catherine Wright Objector and Disabled Resident Representative