

**The Network Rail (Copmanthorpe No. 2 Level
Crossing) (Land Acquisition and Closure) Order**



TRANSPORT AND WORKS ACT 1992

**Transport and Works (Applications and Objections
Procedure) (England and Wales) Rules 2006**

**THE NETWORK RAIL (COPMANTHORPE NO. 2 LEVEL
CROSSING) (LAND ACQUISITION AND CLOSURE) ORDER**

**DOCUMENT NR11: STATEMENT OF CASE FOR THE
APPLICATION**

Document Reference	<u>151666-TRA-00-TRU-REP-W-LP-000146</u>
Author	Network Rail
Date	June 2023
Revision Number	Rev 1

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1. GENERAL INTRODUCTION

1.1 Purpose of the Statement of Case

- 1.1.1 On 16 March 2023, Network Rail Ltd (“Network Rail”) applied (as outlined in NR01) to the Secretary of State for Transport (SoS) pursuant to section 6 of the Transport and Works Act 1992 (“the TWA”) for an Order known as the Network Rail (Copmanthorpe No. 2 Level Crossing) (Land Acquisition and Closure) Order (**NR02**) under Sections 1 and 5 of the TWA (“the Order”).
- 1.1.2 The Order, if made, would authorise (1) the closure of the existing Copmanthorpe No. 2 Level Crossing (“the level crossing”) (2) the diversion of the existing public footpath currently running over the Copmanthorpe No. 2 Level Crossing via a new stepped footbridge and provide Network Rail with the power to permanently acquire and/or temporarily use the land required.
- 1.1.3 The Order would also facilitate the construction of the new stepped footbridge (which would be constructed pursuant to permitted development rights) and the diversion of the Public Right of Way (PRoW) (“the Project”).
- 1.1.4 The Order, if made, would enable Network Rail to close the level crossing which is required to ensure that the full upgrades to this part of the North Transpennine Route (“NTPR”) can be delivered and thus it is required to ensure that the full benefits of the wider Transpennine Route Upgrade (TRU) programme can be achieved. The closure of the level crossing is necessary if the line speed on this part of the line is to be increased, which will, in turn, help deliver an increase in capacity and improvement in journey times and performance reliability of railway services on the NTPR. The closure of the level crossing and the diversion of the PRoW by means of a new stepped footbridge will also remove the risk posed to users of the level crossing, and those using the railway services, in line with Network Rail and Office of Rail and Road (ORR) objectives.
- 1.1.5 The TRU comprises a series of projects between Manchester to Leeds and Leeds to York along the NTPR. The projects are shown in Figure 1 Transpennine Route Upgrade Project Areas 1 below and are at different stages of development and delivery. For example, Manchester Victoria to Stalybridge (W1) and York to Church Fenton (part of Project E1) are currently being delivered with extensive works already undertaken. The Huddersfield to Westtown Project (W3) Transport & Works Act Order was approved and made in 2022. In approving the TWAO, the Secretary of State (SoS) acknowledged in their decision letter (**NR12**) that train services regularly

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encounter congestion and delays on the Transpennine route, resulting in performance and reliability issues for those services. The SoS agreed with the Inspector's view that NTPR does not currently meet the needs of passengers and like the Inspector, the SoS agrees with Network Rail that NTPR is in urgent need of improvement. The Project forms part of the E1 Project.

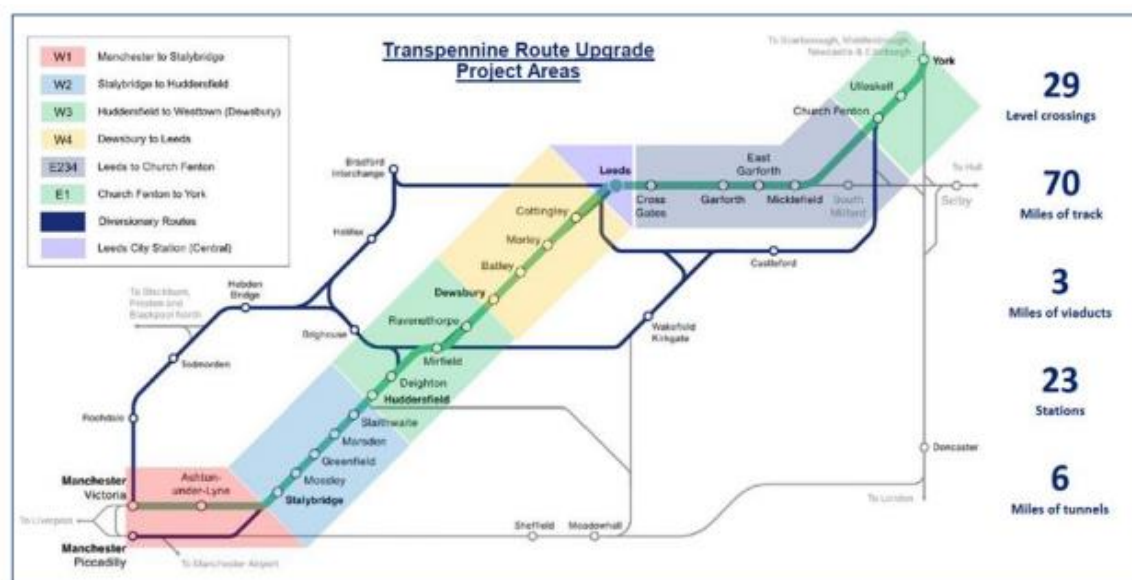


Figure 1 Transpennine Route Upgrade Project Areas

- 1.1.6 Each project contributes to the overall upgrade of the Transpennine Route programme ("TRU programme") and together deliver the key outputs of the programme which are detailed in Section 3.
- 1.1.7 The Order does not authorise the construction of works or any other development and there is no application for a planning direction under s.90 of the Town and Country Planning Act 1990.
- 1.1.8 The new stepped footbridge to be constructed by Network Rail to facilitate the diversion of the PRow will be constructed using permitted development rights conferred by Part 18 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (S.I.2015 No. 596) ("the 2015 Order") and by notice of prior approval granted by the City of York on 24th November 2022 (Reference: 22/01988/PAP18).
- 1.1.9 The provision of the temporary worksite and construction of the new stepped footbridge will be provided by Network Rail by using permitted development rights conferred by Part 4 of the 2015 Order on land adjoining the site of the approved footbridge.

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- 1.1.10 The period during which objections, representations and letters of support could be made to the Order application ended on 2 May 2023. The Department for Transport (DfT) received 43 objections, 3 representations and 3 letters of support during this period. 1 objection was received after the 2 May 2023 and has been accepted by the Transport Infrastructure Planning Unit.
- 1.1.11 As a consequence of the objections and representations, and in accordance with the Transport and Works (Inquiries Procedure) Rules 2004 SI No. 2018 (“the TWA Inquiries Rules”), the SoS announced on 19 May 2023 their intention to hold a Public Inquiry (“the Inquiry”) into the application. The Inquiry is likely to take place in October 2023.
- 1.1.12 Rule 7 of the TWA Inquiries Rules requires Network Rail to provide a Statement of Case. This Statement of Case contains the full particulars of the case Network Rail intends to make at the Inquiry in support of the Order application.
- 1.1.13 Appendix 1 to this Statement of Case provides a list of the documents which Network Rail currently intends to refer to or submit in evidence at the Inquiry. These documents will be available for public inspection at the locations and times set out in Section 12 of this Statement of Case.
- 1.1.14 In this Statement of Case, references to the core supporting documents listed in Appendix 1 are shown in bold type.

1.2 Structure of the Statement of Case

1.2.1 This Statement of Case is structured as follows:

- Section 1: General Introduction
- Section 2: The Applicant and the Application
- Section 3: Background
- Section 4: The Case for the Scheme
- Section 5: Level Crossing Risk
- Section 6: Scheme Development
- Section 7: Scheme Construction Methodology
- Section 8: Transport and Planning Policy Framework
- Section 9: Land and Property
- Section 10: Consultation and Engagement

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- Section 11: Objections, Representations and Statements of Support
- Section 12: Notice as Regards Core Documents

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2. THE APPLICANT AND THE APPLICATION

2.1 The Applicant

2.1.1 Network Rail is the applicant for the Order. Network Rail owns and operates the rail infrastructure network of Great Britain (“the Network”). Network Rail’s purpose is to provide a safe, reliable, economic and efficient railway in Great Britain.

2.1.2 Network Rail is primarily responsible for the operation, maintenance, repair and renewal of track, stations, signalling and electrical control equipment. Train services on the Network are operated by train and freight operating companies (“TOCs” and “FOCs”). Network Rail, as owner of the Network, grants rights to use the track, stations, depots and access through contacts approved by the ORR.

2.1.3 The activities of Network Rail as the Network operator are regulated by the ORR through a network licence granted under Section 8 of the Railways Act 1993. The Network licence requires Network Rail to secure (a) the operation and maintenance of the Network; (b) the renewal and replacement of the Network; and (c) the improvement, enhancement and development of the Network, in each case in accordance with best practice and in a timely, efficient and economical manner so as to satisfy the reasonable requirements of funders and rail-related service providers.

2.2 The Application Documents

2.2.1 The application for the Order and associated deemed planning permission comprise the following documents as required by the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (“2006 Rules”).

- Copy of the Application letter (**NR01**)
- Draft Order (**NR02**)
- Explanatory Memorandum (**NR03**)
- Statement of Aims (**NR04**)
- Funding Statement (**NR05**)
- Consultation Report (**NR06**)
- Book of Reference (**NR07**)
- Land Plans (**NR08**)

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- Rule 18 Waiver (**NR09**)
- List of Consents, Permissions or Licences (**NR10**)

2.3 The Order

- 2.3.1 The Order, if made, would grant Network Rail the power to close the level crossing and divert the existing PRoW currently running over the level crossing. It would also grant powers to permanently acquire and temporarily possess land required by Network Rail to facilitate the construction of the stepped footbridge and the diversion of the PRoW.
- 2.3.2 The Project is part of a wider programme of works known as the TRU as detailed in Section 3 of the Statement of Case. The TRU is a series of railway upgrade projects between Manchester, Huddersfield, Leeds and York with the objective being to improve journey times and capacity between key destinations on the NTPR, improve overall reliability and resilience on the NTPR and provide environmental benefits through modal shift to rail and the part electrification of the NTPR.
- 2.3.3 The TRU has been divided into a series of smaller projects at different geographical points between Manchester and York as detailed in Section 1 of the Statement of Case. The Project falls within the 'E1 project', (which in turn forms part of the broader TRU East of Leeds programme). The E1 project comprises, in broad terms, installation of additional track, station modifications and improvements, closure of level crossings, electrification of the line and installation of equipment required to do that and introduction of modern signalling systems. The wider programme of works East of Leeds (including the E1 project) is being delivered through a variety of planning mechanisms, including using Network Rail's permitted development rights, applications under the Town and Country Planning Act (TCPA) and promotion of three Transport and Works Act Orders.
- 2.3.4 The level crossing within the Order limits is a significant constraint on the proposed upgrades to this part of the NTPR and must be addressed if those improvements are to come forward.
- 2.3.5 The Project is therefore an important contributor towards the delivery of the objectives for the TRU programme as it will remove this existing constraint to line speed increases on this section of the NTPR.
- 2.3.6 Where an increase in line speed is proposed, Network Rail is required to review the implications of the risk at existing level crossings and to make any

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required upgrades/interventions to ensure that the assessed risk of the level crossing (reflected in a crossing's ALCRM score – discussed further at para 4.3.5 below) does not increase as a result of those proposals. Where an upgrade, such as an increase in line speed, would result in an increased level of risk, Network Rail is required to take steps or provide interventions which would mean that risk is at least maintained at its currently assessed level. The intervention proposed in the present case is to remove the level crossing and instead divert users to a grade-separated crossing (diverting the existing public right of way via the new footbridge) removing the direct interface between the railway and those seeking to cross it.

2.3.7 The Project also delivers significant safety improvements both for those currently using the level crossing and of users of the railway by removing the current at-grade interface between those using the level crossing and the operational train services. That safety improvement aligns with Network Rail's general strategy for improving safety at level crossings, set out in 'Transforming Level Crossings 2015 – 2040' (NR13) and the ORR's 'Strategy for regulation of health and safety risks – 4: level crossings' (NR14).

2.3.8 The Project will be constructed on land which consists of both operational railway land and land outside of Network Rail's ownership.

2.4 Further consents

2.4.1 The new stepped footbridge is to be construed pursuant to Network Rail's permitted development rights under Part 18 of the Town and Country Planning (General Permitted Development) Order 2015. Prior approval was granted by the City of York on 24 November 2022: (Reference: 22/01988/PAP18) (NR15).

2.4.2 The provision of the temporary worksite on land adjoining the site of the approved footbridge will be constructed as above at section 1.1.9 by Network Rail using permitted development rights conferred by Part 4 of the 2015 Order

2.5 Scope of the Application

2.5.1 The main features of the Project are set out in Table 1 below.

Table 1 Main Features of the Project

Feature	Description
Copmanthorpe No.2 Level Crossing	Closure of the existing Copmanthorpe No.2 Level Crossing

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Footpath currently running over the Copmanthorpe No.2 Level Crossing	Extinguish the existing section of footpath (Copmanthorpe No.2) currently running over the Copmanthorpe No.2 Level Crossing and continuing (south/east to point P7/P8 as shown on Sheet 4 Land Plans NR08)
New public right of way	Create a new public right of way for the purposes of diverting footpath Copmanthorpe No.2 via a new stepped footbridge

2.6 Funding

- 2.6.1 The funding position in respect of the Project is detailed in the Funding Statement accompanying the Order application (**NR05**). The project cost as set out in the Funding Statement is £439,092 which Network Rail and the Government have provided public commitments to fund, subject to continued ongoing Value for Money (VfM) tests to ensure it remains the right thing to do for the UK taxpayer.
- 2.6.2 The TRU (and the Project) will span two railway investment periods: Control Period 6 (2019 to 2024) and Control Period 7 (2024 to 2029), where a total of over £3bn will be invested in the TRU.
- 2.6.3 In addition to the funds already available to Network Rail in Control Period 6 to progress the Project, further funding will be made available for the delivery of the Project from the identified funding allocation for TRU in accordance with the Rail Network Enhancements Pipeline (RNEP) governance process. This provision will be sufficient to deliver the Project as part of TRU, provided it has the required consents and continues to represent VfM.
- 2.6.4 The DFT has confirmed the Government's commitment to TRU and the Project along with allocation of funding subject to ongoing consideration to ensure the Project delivers the best results for both rail users and taxpayers.
- 2.6.5 In April 2021, a further £317m was committed to TRU by the Government to commence delivery and continue design development on TRU. Further funding announcements will occur as the programme progresses. The Project is therefore considered to be fully funded. The authorised funds will meet the capital cost of implementing the Order inclusive of compensation and acquisition of blighted land as identified within Section 149 of The Town and Country Planning Act 1990 and undertaking associated work such as environmental mitigation as necessary.

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3. BACKGROUND

- 3.1.1 The TRU is a multi-billion-pound, transformative, long-term railway infrastructure programme that will improve connectivity in the North, principally West-East, between the major economic centres of the northwest and Yorkshire-Humber. It will support economic growth in the North and deliver benefits for passengers and communities along the route and beyond.
- 3.1.2 Due to the size, differences, and complicated nature of the works required to upgrade the existing rail infrastructure between Manchester and York, TRU is being delivered as a phased programme of interventions with those interventions being delivered as separate projects, alongside each other. The Project is referred to as TRU Project E1. The projects are shown in Figure 2 Maturity of Projects by Project and are at varying stages of maturity and delivery.

Project maturity

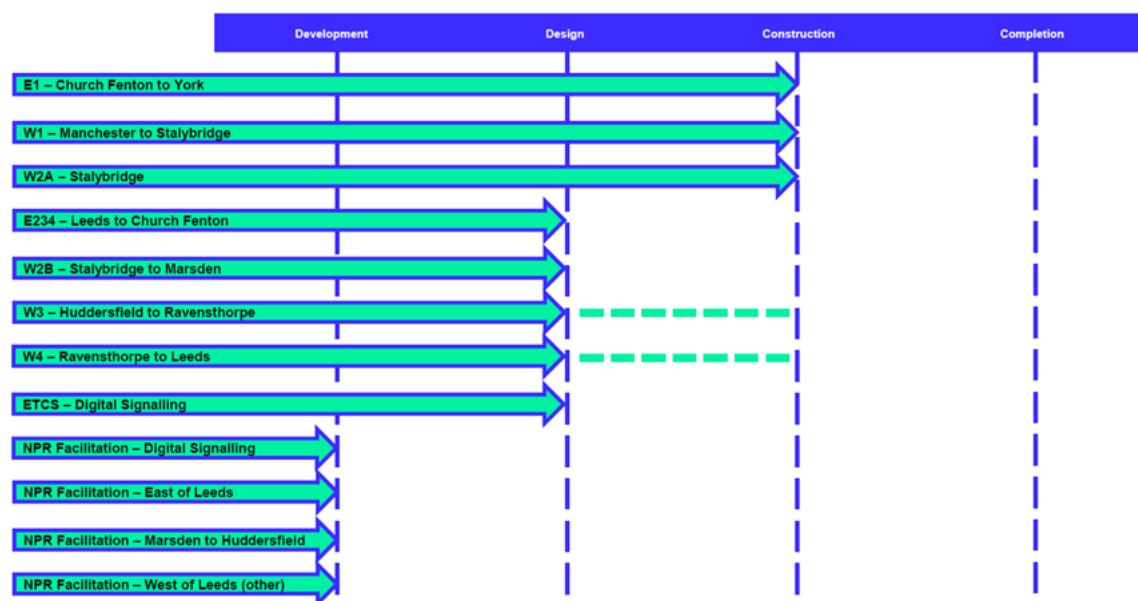


Figure 2 Maturity of Projects by Project

- 3.1.3 Each project contributes to the overall upgrade of the Transpennine Route and together deliver the key outputs of the TRU programme which are:
- An improved journey time for Leeds – Manchester Victoria of 43-44mins;
 - An improved journey time for York to Manchester Victoria of 67-69mins;
 - Capability to operate 8 'express services' an hour on the route;

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- Capability to operate 6 ‘local services’ an hour on the route;
- Performance of the Transpennine Route to be 92.5% (Public Performance Measure) or higher each period.
- Freight paths/rights to be retained as existing; and
- A contribution to Network Rail’s Decarbonisation Strategy and climate policy.

3.1.4 Transport plays a vital role in enabling a modern trading economy, and rail has a particular advantage in connecting cities, both to each other and to their markets. The NTPR – the subject of the TRU – is a key East-West artery across the Northern economy. As shown in Figure 3 The Transpennine Route, it forms the most direct existing rail link between Manchester, Leeds and York, but is also used as a “spine” to link a wider set of economic centres such as Newcastle and Hull in the East, and Liverpool in the West. As well as linking city centres, the line also joins these to smaller towns and commuting areas, and key sites such as Manchester Airport and universities and research centres (including in smaller hubs like York and Huddersfield).

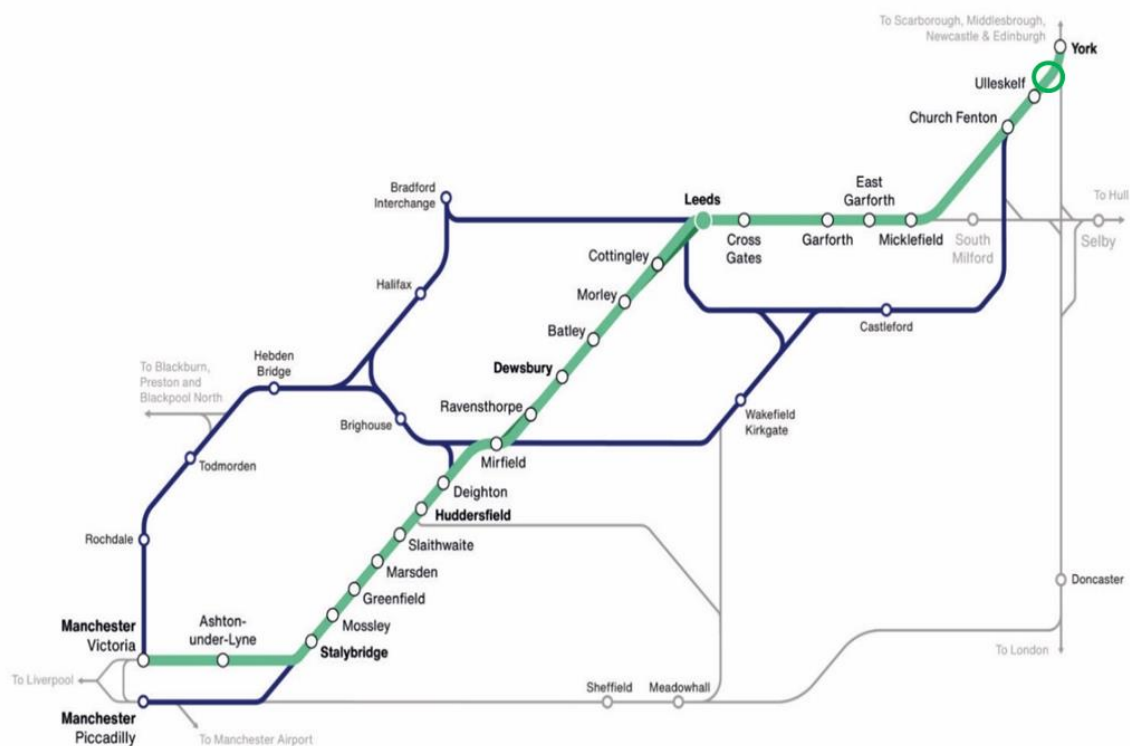


Figure 3 The Transpennine Route

3.1.5 Stretching across the North of England between York and Manchester, via Leeds and Huddersfield, the 76-mile NTPR serves 23 stations, crosses over

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and dips under 285 bridges and viaducts, passes through six miles of tunnels, and crosses over 29 level crossings.

- 3.1.6 The NTPR is not currently well-placed to play a key enabling role in levelling up the Northern conurbations and making them a more coherent and productive economic entity. Up to the outbreak of the COVID pandemic, demand on the route had doubled to 50 million journeys per year since the mid-1990s, see Figure 4 Passenger Journey by Train Operating Companies, but the historic reduction in the carrying capacity of the infrastructure meant the route has reached the practical limit of its capacity. Pre-COVID, the route performed poorly, and it will form a constraint, rather than an enabler, to building back the Northern economy.

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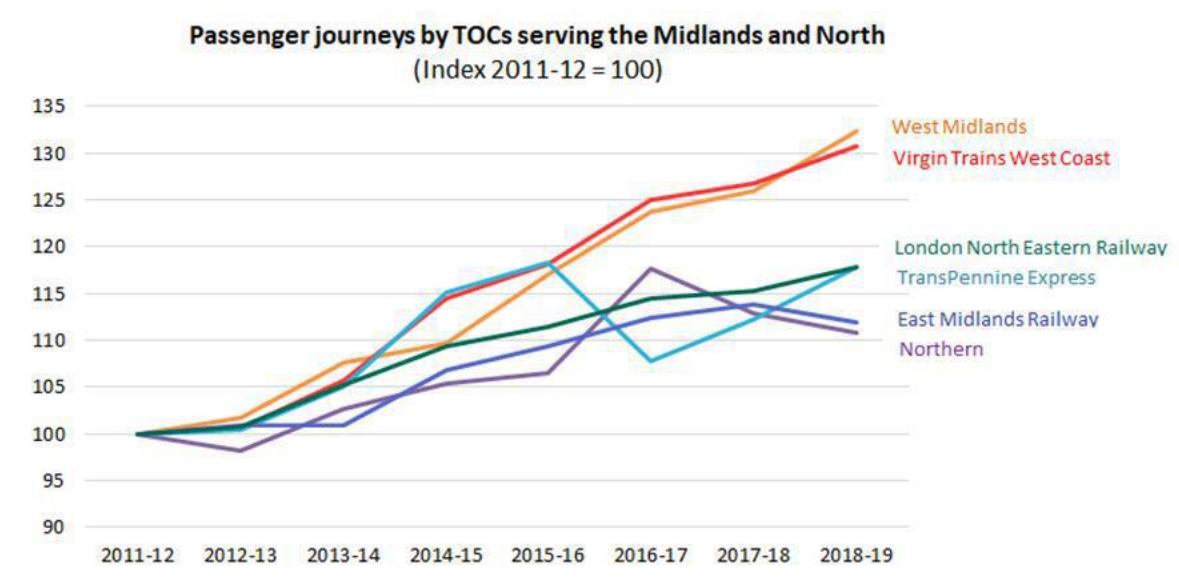


Figure 4 Passenger Journey by Train Operating Companies

- 3.1.7 Overall productivity in the North trails behind the UK average. For the last 30 years, the North's economic value per person, measured as Gross Value Added (GVA) has been consistently around 15% below the average for the rest of the UK. Pre-COVID data showed that the gap had widened further with the GVA per person in the North 18% below the UK average. The widening gap can be attributed to the North generally experiencing slower GVA growth rates over the last decade compared to the UK average, with evidence showing low levels of transport investment being a contributing factor to the low levels of growth.¹
- 3.1.8 The amount of investment historically of the NTPR has not matched that of the East Coast Main Line (ECML) or West Coast Main Line. Nevertheless, in offering much improved rail services and enhancing their daily lives, rail investment on the Manchester-Leeds-York corridor can contribute strongly to the "levelling up" agenda – both in terms of facilitating post-COVID economic recovery and growth but in offering citizens in the North a brighter economic future.

1

<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/articles/regionalandsubregionalproductivityintheuk/february2019>

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4. THE CASE FOR THE SCHEME

4.1 Existing position

- 4.1.1 The level crossing is located on the ECML (London Kings Cross and Aberdeen) and Leeds Lines (Leeds to York) between Ulleskelf station and York station near Copmanthorpe in the City of York, Figure 5 Location of Copmanthorpe No.2 Level Crossing. At present the level crossing provides pedestrian access at grade, across four tracks of electrified railway line carrying part of the public footpath Copmanthorpe No.2 which runs from Copmanthorpe village to the west of the railway, then passes through fields and farmland towards Bishopthorpe in the east.
- 4.1.2 The level crossing is an “active” crossing, which is fitted with miniature stop lights (MSLs) which warn users when it is not safe to cross. MSLs are required at the level crossing because there is insufficient sighting distance for users to be able to cross safely without an audible or visual warning when it is safe (or not safe) to do so.

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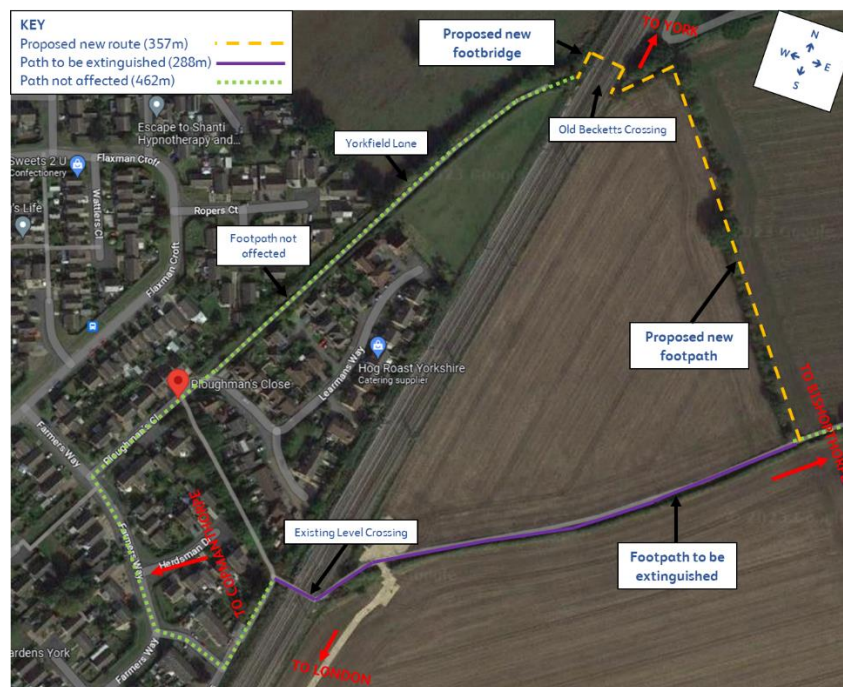


Figure 5 Location of Copmanthorpe No.2 Level Crossing

4.2 The wider Copmanthorpe No.2 Footpath route

- 4.2.1 The PRow commences at Low Green (towards the bottom left hand corner of Figure 5 Location of Copmanthorpe No.2 Level Crossing **Error! Reference source not found.** following the perimeter of Copmanthorpe Primary School, Ebor Way, down Wheelwright Close, Farmers Way and through Fletchers Croft all of which are paved highways, until users reach an unsurfaced single track (0.03miles (m)) running alongside the railway up to the level crossing. On approaching the level crossing there is hard standing with concrete bollard to stop vehicle access (Figure 7 Current Public Right of Way Route - Copmanthorpe to Bishopthorpe. Access over the level crossing from either side of the railway is via wicket gates that are built into the Network Rail boundary fences, with MSLs attached to the fencing. The crossing surface is hard rubber panels with tarmac infills between the panels which may become slippery if ice were to form.
- 4.2.2 Having crossed the railway, the user would then walk down two deep concrete steps, an earth slope (0.01m), following the single-track footpath with culvert/dyke along the hedge line (approximately 0.41m) and then continue across a narrow wooden footbridge, and then along a field-edge path towards Bishopthorpe.

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Figure 7 Current Public Right of Way Route - Copmanthorpe to Bishopthorpe



Figure 8 Single track path from Fletchers Cross to the level crossing

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Figure 9 Approach to the level crossing from Copmanthorpe



Figure 10 Visual of decking over the level crossing approaching from Copmanthorpe

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Figure 11 Visual of decking over the crossing approaching from Bishopthorpe



Figure 12 Concrete landing and slope on the east side of the railway

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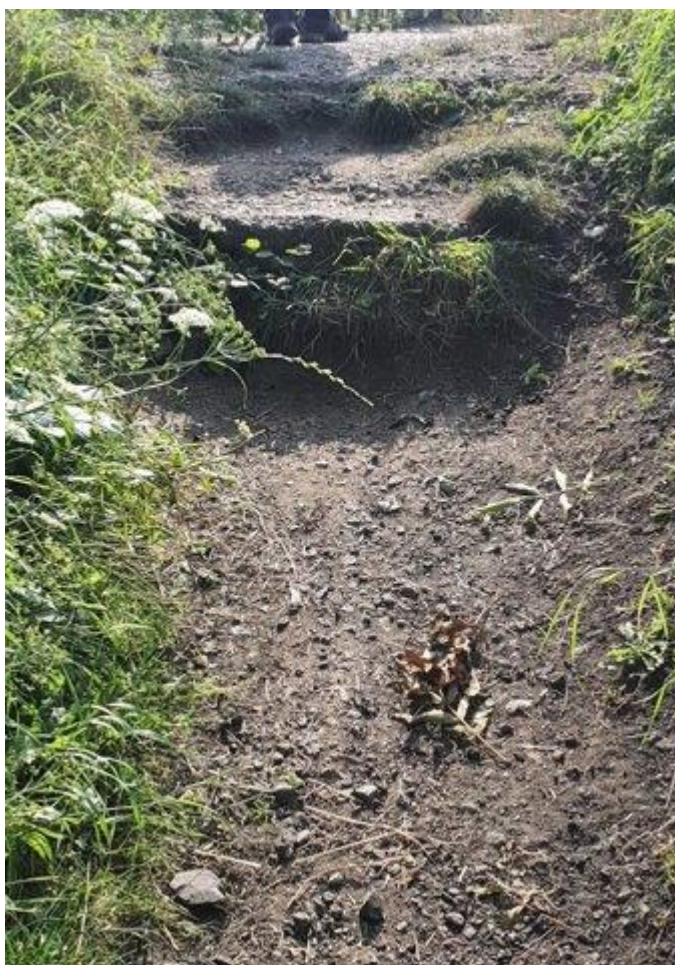


Figure 13 Uneven steps on the east away from the level crossing leading to Bishopthorpe

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Figure 14 Culvert and dyke running alongside of the footpath on east of the railway

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Figure 15 Dyke alongside the footpath

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Figure 16 Dyke alongside the footpath

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Figure 17 Overgrown footpath along the hedge line

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4.3 Network and Operational Constraints

- 4.3.1 The Transpennine Route (see Figure 3 The Transpennine Route) is a key strategic rail route across the North of England with the core route linking Manchester and York, via Huddersfield and Leeds. It is used by commuters and for leisure journeys, as well as being a major freight route.
- 4.3.2 The three-mile stretch of the Transpennine route between Copmanthorpe and Colton Junction – the major junction where trains from Leeds join the ECML towards York – has approximately 350 to 400 trains each day over the crossing, with up to one freight or passenger trains passing through every five minutes. This is one of the busiest stretches of railway in the North of England.
- 4.3.3 The Transpennine route currently handles a mix of fast express, local stopping services and freight but has not seen significant infrastructure enhancements to increase capacity and improve resilience for many years. The Transpennine route network is becoming increasingly over-crowded and congested, and journeys can regularly be slow and unreliable. The current infrastructure provision needs to be updated and upgraded. The removal of the level crossing will help to accommodate growth, improve journey times and provide reliable services which will not only benefit passengers but also benefit the local community, lineside neighbours and Network Rail's workforce by improving safety and also removing the potential for trespass and crossing misuse incidents.
- 4.3.4 The current line speed as the lines pass over the level crossing is 100mph for the Leeds Lines and 125mph for the ECML lines. Passenger services at the level crossing are operated by Cross Country, Grand Central, London North Eastern Railway, Northern Trains, Lumo and Transpennine Express with freight services operated by a variety of freight operators.

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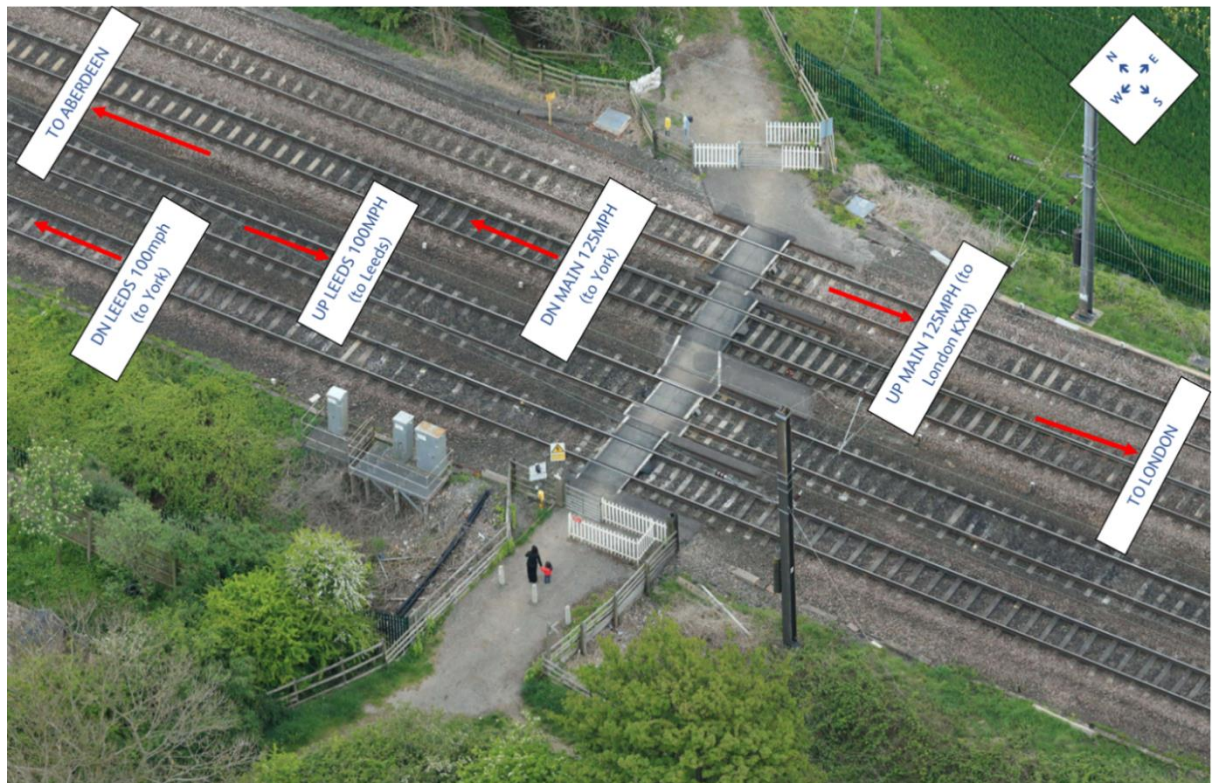


Figure 18 Configuration of Up (towards London) and Down (towards Edinburgh) Lines for both East Coast Main Line and Leeds Lines

- 4.3.5 Copmanthorpe Level Crossing (Figure 18 Configuration of Up (towards London) and Down (towards Edinburgh) Lines for both East Coast Main Line and Leeds Lines) has a history of misuse incidents, and it is classed as high risk - All Level Crossings Risk Model (ALCRM) B2. The ALCRM is a risk model which supports Network Rail's level crossing safety assessments. Collective risk is presented as a simplified ranking 1 to 13. 1 is the highest, 12 is the lowest and 13 is 'zero' risk. Risk per traverse is also presented as a simplified ranking A to M. A is the highest, L is the lowest and M is 'zero' risk.
- 4.3.6 The proposed speed and frequency of services on these lines is expected to increase the risk to both the level crossing users and passengers, therefore the Project will provide a safer way of access for all current level crossing users. The closure of the level crossing will enable the increase in line speed which will allow an increase in the frequency of services along the route and assist in the delivery of the benefits of the wider TRU programme, including reducing journey times between Leeds and York as well as contributing to the TRU programme objective of reducing journey times between Manchester to York.

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- 4.3.7 Currently the level crossing acts as a key constraint on the capacity, reliability and modernisation of the Transpennine route east of Leeds.
- 4.3.8 **Safety:** All level crossings carry risk and they are the largest single contributors to train accidents and risks on the UK railway network. Copmanthorpe level crossing has a number of historical known incidents due to misuse and vandalism within the last 10 years which has contributed to a significant negative impact on the performance of the rail network. Also, Network Rail standard NR/L2/SIG/11201/Module X40 Signalling Design: Level Crossings: Miniature Stop Lights (**NR34**) sets out that new MSL crossings shall not be installed on sites with more than two lines.
- 4.3.9 **Line speed:** As stated in section 2.3.6 above, where an increase in line speed is proposed, Network Rail is required to review the implications of the risk at existing level crossings and to make any required upgrades/interventions to ensure that the assessed risk of the level crossing (reflected in a crossing's ALCRM score) does not increase as a result of those proposals. Line speed is currently 100mph on the Leeds Lines which is planned to be increased to 125mph to deliver required benefits of the TRU programme. This line speed increase cannot take place unless and until the increased risk at the level crossing is addressed.
- 4.3.10 **Frequency of services:** As set out above, the crossing is an 'active' crossing in that it is fitted with MSL. The MSL warn users when it is not safe to cross, showing a red light when a train is approaching. The increased downtimes (i.e. periods when it is not safe to crossing) due to more frequent services would reduce crossing times to an extent that would severely impact users of the current crossing.
- 4.3.11 The key constraints that exist, as explained above, currently adversely affect the performance, reliability and capacity of train services on the Transpennine route.

4.4 Project Description and Benefits

Project Description

- 4.4.1 The Project will deliver the closure of the level crossing and the diversion of the existing public footpath across the railway via a new stepped footbridge which will be installed at the north end of Yorkfield Lane as shown in (Figure 7).
- 4.4.2 The main features of the Project (Figure 7) are detailed below:

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- Closure of the level crossing;
- Diversion of part of Copmanthorpe No. 2 footpath via a new stepped footbridge over the railway at the north end of Yorkfield Lane; and
- Provision of a new permanent access point at the new stepped footbridge for Network Rail maintenance.

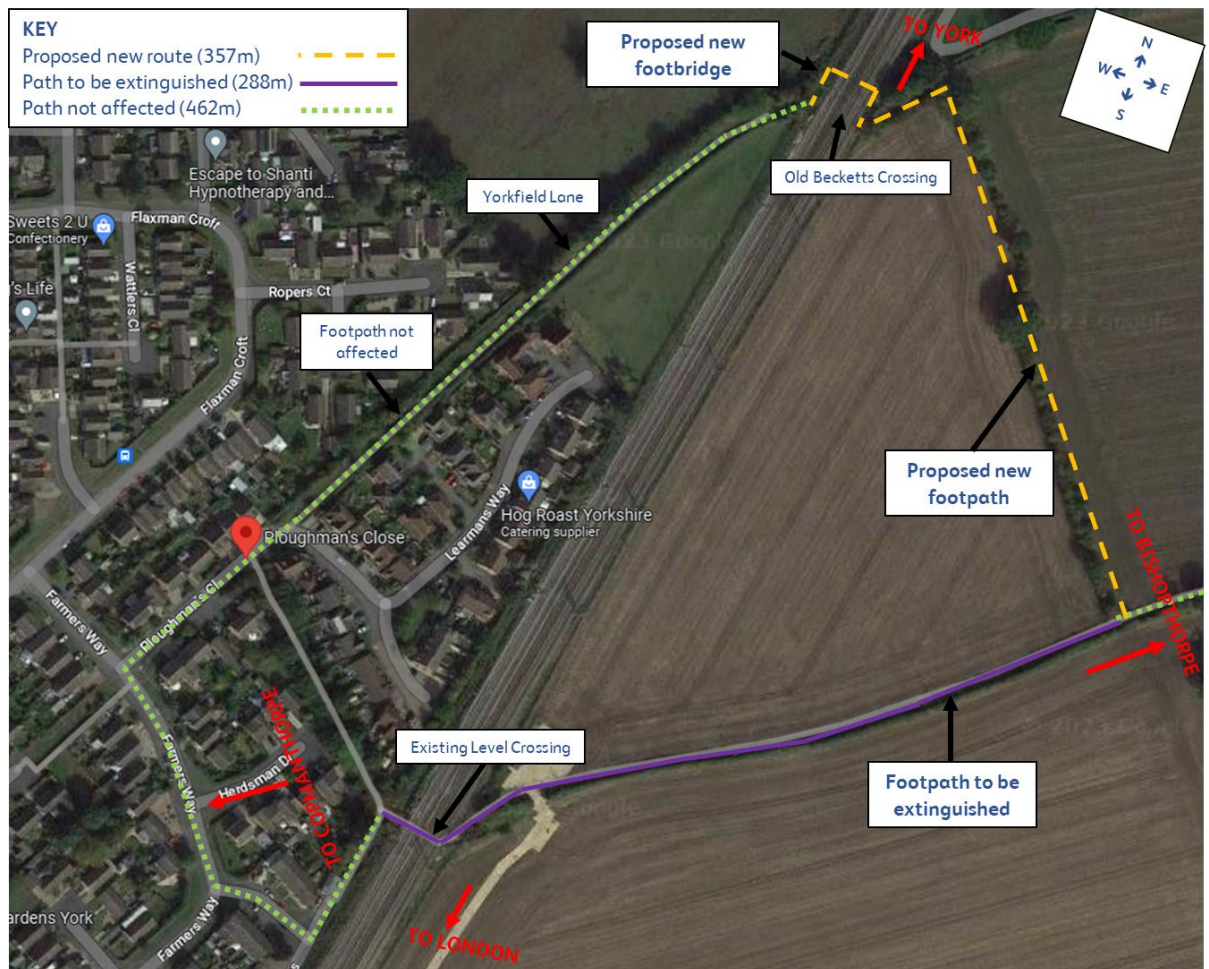


Figure 19 Location of the level crossing

Project Benefits

4.4.3 The benefits of the Project are detailed below.

4.4.4 **Improved Safety:** The Project will remove the existing at-grade interface between the railway and those wishing to cross it, thus removing the safety risk currently associated with the level crossing. In addition, users will no longer have to wait to cross the railway and will be able to safely access the countryside using the new stepped footbridge to cross the railway.

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- 4.4.5 **Increased Linespeed:** The key infrastructure benefit of closing the level crossing will be to allow for the introduction of modernised signalling across the whole of Transpennine route, and for an increase in line speed from the current 100mph to 125mph. This work will then further allow for an increase in train capacity and frequency, meaning more, and faster journeys for passengers. Without the closure of the level crossing the line speed cannot be increased, and the new signalling cannot be introduced, and therefore, journey times will not improve and the benefits of those decreased journey times to the wider Northern economy will not be realised.
- 4.4.6 **Improved efficiency and reliability of the railway:** The closure of the level crossing will provide better capability to regulate both freight and passenger trains (fast and slow). This will reduce key conflicts and increase the capacity of the railway network across the Transpennine route, as well as allowing the system to recover more quickly from any disruptive or extraordinary events.
- 4.4.1 **Reduction of delays to trains and other users:** The closure of the level crossing will reduce the number of incidents which have a detrimental impact on train performance by removing the potential for at grade incidents between the general public and trains. Where incidents currently occur at level crossings, they are typically more complex to resolve and recover from than traditional railway infrastructure issues e.g. wires failing. Improved efficiency on the railway would provide the opportunity to increase both passenger and freight train operations which in turn brings about economic and environmental benefits.
- 4.4.2 **Reduced operating and maintenance costs:** The closure of the level crossing will result in the removal of assets that need to be inspected, maintained and operated at the frequency required for an active level crossing.
- 4.4.3 As a result of the capacity and reliability improvements that the closure of the level crossing will help to deliver, an improved railway will attract more passengers, and in time hopefully more freight, which in turn will mean fewer cars and goods vehicles on the highway network, helping to reduce traffic congestion and contributing to TRU's programme objective of providing environmental benefits to the North.
- 4.4.4 Without the closure of the level crossing, the overall benefits of the TRU programme will not be realised in full and there would be no contribution from this Project to TRU's objectives. The line speed cannot be increased with the level crossing in place. Without the level crossing removed; the modern

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signalling works required to lift the line speed across this part of the Leeds Lines generally cannot take place. At present, that signalling work needs to be in place / undertaken by December 2024, with the first test trains (required to run at full 125mph line speed) scheduled to commence testing shortly thereafter, in order to achieve ORR sign off on the proposed new timetable for this part of the NTPR. The timetable change, currently for December 2025 means ORR sign off is required by the end of May 2025. As a result of this the Project needs to be completed by no later than December 2024. Without the closure of the level crossing, the signalling work between Leeds and York will not be possible in time for the proposed timetable change in December 2025 and the expected / planned benefits in journey time on this section of the NTPR section, between Leeds and York, will not be realised.

4.5 Strategic Alternatives

- 4.5.1 Due to the nature of the Project and the interventions required to deliver the benefits which have been highlighted, there were no strategic alternatives considered. To deliver the benefits within this section of the TRU route requires specific interventions to close the crossing. No other strategic alternative, for example, improvements to the road network, other upgrades to the railway, would have delivered the benefits that the Project does.
- 4.5.2 However, a list of alternative options were considered and assessed in advance of progressing the Project which are the subject of the Order application. The option selection process is addressed in greater detail in Section 6 of the Statement of Case. This section provides a high-level overview of the process and alternatives considered.
- 4.5.3 The operational and functional requirements for the Project are to close the level crossing and divert the public right of way over a new stepped footbridge to the north of the village improving safety and also allowing the aims of the TRU programme to be realised and to be feasible and deliverable from an economic and engineering perspective.
- 4.5.4 Initially, a broad range of options were considered with regards to the level crossing, as follows:
- Option A: Renewal of MSL and Telephone Protection with Localised Improvements
 - Option B & Option C: New ramped or stepped footbridge at Recreation ground
 - Option D: New subway at Recreation Ground

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- Option E: New Subway at Existing Level Crossing Location
- Option F: New Stepped Footbridge to the north end of Yorkfield Lane (formerly Becketts Level Crossing)
- Option G: New Ramped Footbridge to the north end of Yorkfield Lane (formerly Becketts Level Crossing)
- Option H: Close Copmanthorpe No. 2 Level Crossing and divert users to existing Overbridge ECM4/11 (Temple Lane)



Figure 20 Summary of options considered

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- 4.5.5 Following a Network Rail option selection process, taking into account a number of factors including constructability, environmental impacts, cost, and community impacts, it was agreed that Option F and H would be presented at consultation.
- 4.5.6 After public consultation in September 2021 and a detailed option selection process in December 2021, where feedback from the public consultation was taken into consideration, it was agreed that Option F would be taken forward as the preferred option. Section 6 (Project Development) describes the development of this option in more detail.

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5. LEVEL CROSSING RISK

5.1 Network Rail Level Crossing Safety Strategy

- 5.1.1 Network Rail's duty under the Health and Safety at Work etc. Act 1974 Section 3 (duty to non-employees to conduct and undertake in such a way as to ensure so far as is reasonably practicable they are not exposed to risks to their health or safety) includes a responsibility for users of level crossings. Network Rail's strategic objectives for meeting its long-term level crossing vision of no accidents at level crossings on Britain's main line network include maximising risk reduction. Closure of level crossings is the most effective way of removing risk from the network.
- 5.1.2 Network Rail has established a long-term strategy of reducing level crossing risk. Its long term strategy targeting improved safety on Great Britain's railway is set out in its strategy document: "Enhancing Level Crossing Safety 2019-2029, A long term strategy targeting improved safety on Great Britain's railway" (**NR16**). The policy builds on Network Rail's core safety vision of 'Everyone home safe everyday', which sits behind its long-term safety objective of no accidents at level crossings, and its commitment to improving level crossing safety, doing all that is reasonably practicable to close crossings and improve safety at those which remain open (pg14). A key element of Network Rail's policy on level crossings, to close level crossings where possible, is reflected in the Office of Rail and Road (ORR) "Principles for managing level crossing safety" published on 15th July 2021 (**NR18**). The ORR's "Strategy for regulation of health and safety risks – 4: level crossings" (**NR14**) goes on to stipulate that closure [of level crossings] should be the first consideration in a risk control strategy by the duty holder.
- 5.1.3 The policy builds on Network Rail's core safety vision 'Everyone safe home everyday', which sits behind its long-term safety objective of no accidents at level crossings, and its commitment to improving level crossing safety, doing all that is reasonably practicable to close crossings and improve safety at those which remain open (pg14).
- 5.1.4 A key element of Network Rail's policy on level crossings, to close level crossings where possible, is reflected in the Office of Rail and Road (ORR) "Level Crossings; a guide to managers, designers and operators – Railway Safety Publication 7" (**NR17**). It is widely acknowledged that the closure of level crossings is the most effective way to remove the risk. This is consistent with the General Principles of Prevention, set out in Schedule 1 of the Management of Health and Safety at Work Regulations 1999, in particular the

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following: (a) avoiding risks; (b) combating the risks at source; (f) replacing the dangerous by the non-dangerous or the less dangerous

5.1.5 Level crossings are an open interface between the railway and the highway, giving rise to an increased potential for user behaviour to affect train operations. They have differing levels of protection and are broadly split into two groups:

- **Active crossings:** where the road vehicle or pedestrian is warned of the approach of a train through the closure of gates or barriers and/or by warning lights and/or alarms; and
- **Passive crossings:** where no warning of train approach is given other than by the train driver who may use the train horn. The onus is on the road user or pedestrian to determine whether it is safe to cross the line. Instruction for proper use must be provided at each location, along with other appropriate signage.

5.1.6 Copmanthorpe Level Crossing (No 2) is categorised as an 'active' crossing as warning is given to pedestrians by means of MSL.

5.1.7 Most of the risk at level crossings is to pedestrians. The biggest risk is pedestrians being struck by a train, followed by the risk of passengers on station crossings being struck by a train.

5.2 Assessing Risk: Quantitative and Qualitative Assessments

5.2.1 Network Rail Work Instruction NR/L3/XNG/308 'Risk assessing level crossings' (**NR36**) requires risk assessment of level crossings to be undertaken at least once every three years and three months. Assessors use both quantitative and qualitative judgement to ensure a balanced approach is adopted in the risk management of level crossings. The 'All Level Crossing Risk Model', ALCRM, is a quantitative decision support tool for identifying and mitigating risk at level crossings.

5.2.2 The calculated levels of risk are used as one part of Network Rail's overall risk management process, informing Network Rail of the relative risks of different level crossings and guiding business decisions on crossing upgrades and closures. ALCRM is a proven and robust working tool.

5.2.3 ALCRM risk modelling includes consequences associated with level crossing accidents. It can look specifically at the causes of accidents that could occur at different types of crossings. For example, in relation to footpath crossings, where users are responsible for complying with signage and for making their

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own decision on when it is safe to cross, accidents may be caused by their failure to correctly stop, look and listen for trains.

- 5.2.4 To calculate the level of risk for each level crossing, ALCRM requires specific information about each asset. Information is gathered from existing records held by Network Rail on the crossing, using intelligent sources, stakeholder engagement and most importantly from a site inspection; during which the presence of a defined set of observable crossing features is recorded, including aspects such as crossing orientation, census, type of users, and the visibility of the crossing when approaching.
- 5.2.5 ALCRM determines level crossing risk using the same basic principles as for any risk assessment; namely hazard identification, frequency, and consequence assessment leading to a calculation of risk. These calculations are fundamental to the way in which crossing risk is calculated, as risk varies according to the particular characteristics of each crossing; the people using it, the number of lines it crosses, the number of trains and frequency, train speed and variance of speed.
- 5.2.6 ALCRM reports two measures of risk; collective risk and individual risk of fatality.
- 5.2.7 Collective risk is a measure of the total harm, or safety loss, and is expressed in terms of Fatalities and Weighted Injuries (FWI) per year, where FWI is a measure that accounts for fatalities and injuries. Collective risk is reported in a simplified numeric form ranked from '1 to 13' where '1' represents the highest risk and '13' represents nil risk. This is independent of crossing type, so crossings that are relatively busy with lower degrees of protection will receive the highest rankings and conversely, lightly used crossings that have high levels of protection will receive rankings towards the lower end.
- 5.2.8 The risk to the individual user is presented as individual risk of fatality per year. This calculation shows the level of risk a single typical user is exposed to per year of use at a level crossing. ALCRM calculates this risk as the 'probability of fatality' and not expressed as an FWI, it is expressed as a letter, ranked from 'A to M' ('A' representing the highest risk and 'M' representing nil risk). This is independent of crossing type, meaning that crossings with higher degrees of protection, such as Manually Controlled Barriers (MCB) will be grouped around the lower end (towards 'L'), with less protected crossings, such as User Worked Crossings (UWC) grouped around the higher end (towards 'A').

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- 5.2.9 To widen the scope of quantitative assessment of risk, the qualitative professional judgement or “structured expert judgement” of the risk assessor, the Level Crossing Manager (LCM) is applied throughout the risk assessment process. LCMs enable a broader and holistic safety perspective to form part of decision making and risk control selection.
- 5.2.10 Information to support structured judgement is derived through the collation of evidence during the site inspection, by applying local knowledge, using smart intelligent sources such as the internet and mapping services, through external stakeholder engagement, and analysis of previous assessments and accident/incident data. LCMs will take cognisance of all factors including user demographic, accident history, and foreseeability of an event when evaluating available options to manage safety and/or the requirement to pursue closure.
- 5.2.11 In August 2014 Network Rail introduced the more comprehensive Narrative Risk Assessment (NRA). The NRA is the documented means of presenting the combined output of all routine level crossing risk assessments. It adopts the quantitative calculated risk and the qualitative commentary/observations recorded by the LCM, enabling the LCM to reach and document balanced decision making of the overall risk and the risk controls required. NRAs enhance the qualitative structured expert judgment.
- 5.2.12 The NRA is the document that summarises the risk at the level crossing. Details are gathered during site visits at the level crossing and are entered into the All Level Crossing Risk Model (ALCRM) which provides a quantifiable risk score/ranking and this allows comparison with other crossings.
- 5.2.13 This information is then contextualised and supported by the detailed knowledge provided by the LCM for that area who is the authority on the risk at the level crossing. They will bring to bear their knowledge and experience in highlighting issues that are relevant to the risk that are sometimes not reflected in the risk score. They will also be able to demonstrate historic evidence to support the change in risk over time and be best placed to comment on the predicted changes expected through either development in the vicinity, alterations to traffic or rail service patterns. Following the risk assessment, the LCM will make recommendations to further mitigate risk with closure being the first option considered, in line with the hierarchy of risk control, because closure eliminates the safety risk to users. Where closure is not possible other options are considered in order to lower the risk score to a level that is acceptable.

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5.2.14 The NRA assists Network Rail to meet the requirements of the Management of Health and Safety at Work Regulations 1999 and is fully consistent with and supportive of the key business vision of a balanced assessment of risk.

5.3 The Crossing, Description, Safety History, Operation and Impact on the User

5.3.1 The level crossing is located on the edge of the village of Copmanthorpe which, in turn, is on the southern outskirts of York. The public footpath is footpath number No. 2. On the western (Down) side of the railway there is a residential area which borders up to the railway. On the eastern (Up) side of the railway there is arable farmland.

5.3.2 Access to the level crossing from the footpaths on either side is via wicket gates that are built into the Network Rail boundary fences. The wicket gates (Figure 21 Up side Wicket Gate and Refuge) are 1.5m wide with a 1.2m x 2.15m refuge area which is designed to prevent the gates from opening fully. This is to prevent horse riders and motorcycles from using the level crossing. The level crossing has no sources of lighting present.



Figure 21 Up side Wicket Gate and Refuge

5.3.3 As there is insufficient sighting distance available for users to cross safely, miniature stop lights (MSLs) (Figure 22 Down side Miniature Stop Lights) have been provided on both sides of the level crossing. The MSL system operates with fixed 'treadles' located on each railway line approaching the level crossing. When a train passes over a treadle, the treadle depresses and this

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sends a signal to the MSL to illuminate the red light and extinguish the green light, if the red light is illuminated it is unsafe to cross. The positioning of the fixed treadles is based on; i) the minimum required warning time for users to cross safely, and ii) the maximum permitted line speed. If the red light is still illuminated after the train has passed, then this means another train will be coming and users should continue to wait outside of the railway boundary. Users should only cross when the green light is showing. There are no audible warnings provided at the crossing by the MSL system.



Figure 22 Down side Miniature Stop Lights

- 5.3.4 The minimum design warning time for the MSLs at Copmanthorpe No 2 FPWM is 40 seconds based on maximum line speed. If approaching trains are travelling at a lower speed, the warning time becomes extended. Trains can be running at speeds below the maximum line speed for many reasons, including operational reasons or if freight/engineering trains are running. Timings taken on site indicate that warning times can range from forty seconds to over one minute. The MSL can be displaying a red light for up to 43% of the time which is over 25 minutes every hour.
- 5.3.5 MSLs provide users with a warning of approaching trains however this does not eliminate safety risk. The effectiveness of MSLs is reduced by certain user characteristics and behaviours as well as environmental factors, including:
- User characteristics and non-deliberate behavioural issues including: people with sighting impairments may be less able to discern whether the red light is illuminated, people with mobility issues might take additional time to traverse the crossing potentially taking longer than the calculated traverse time for vulnerable users, people with cognitive issues are less able to interpret and act upon the warnings; people that are distracted can have less situational awareness and might be less likely to observe the MSLs properly;

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- Deliberate violations and behavioural issues; users deliberately ignoring the red warning lights, people being unwilling to wait for approaching trains to pass; children and youths playing 'chicken'; and
- Environmental factors; sun glare, heavy rain, fog or snow affecting the visibility of the MSLs.
- For these reasons, residual risk remains at level crossings equipped with MSLs. Even with the MSLs in place, Copmanthorpe No 2 FPWM is the 17th highest risk ranked crossing on the East Coast Route, out of a total of 294 level crossings on the Route. This high level of residual risk reflects the fact that the level crossing is located on the ECML, one of the main rail arteries in the country.

5.3.6 The last two risk assessments were undertaken in December 2021 and April 2023 and in both assessments the ALCRM quantified the level crossing risk as being 'B2'.

5.4 Incident History

5.4.1 There have been a number of incidents recorded at the level crossing over the last ten years, including two fatalities, two near misses and a number of level crossing misuse instances – please refer to Appendix 2

5.4.2 The number of serious incidents highlights the safety risks both to those using the level crossing and to passengers on the railway posed by the level crossing.

5.5 Use of the level crossing: census data

5.5.1 When LCMs carry out a level crossing risk assessment, they carry out a census of level crossing users. This can involve deploying a census camera for 7 days and calculating daily average use, deploying a camera for 24 hours, or carrying out a manual count 'quick' census of 30 minutes or 60-minute duration. If no users are observed, particularly at remote locations, then an estimated census can be used based on the LCM's local knowledge. However, if there is a major project or level crossing renewal then an extended 9-day census is undertaken by a census provider using CCTV cameras. A full census report will be provided to Network Rail including a summary table broken down by user group. Full 9-day census surveys were carried out at this level crossing in 2013, 2016 and 2021 and 2023. The data for the 2023 census survey is currently being collated and will be available in due course.

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- 5.5.2 **(NR35)** LCG 02 Level Crossing Guidance Document: Census Good Practice sets out the categories of users and those individuals who are regarded as vulnerable for the purposes of census and ALCRM assessment.
- 5.5.3 Data from censuses carried out in 2013, 2016 and 2021 are provided at Appendix 3.

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6. PROJECT DEVELOPMENT

6.1 Introduction

- 6.1.1 In order to deliver TRU's objectives in section 3.1.3 of journey time improvements on the Transpennine route between Manchester and York, there is a need to increase the line speed on the Leeds to York section of the Transpennine route from 100mph to 125mph and to facilitate the train and freight operating companies the opportunity to increase the frequency of rail services using the Transpennine route on which the level crossing is located.
- 6.1.2 The increase in the speed and the proposed frequency of rail services will increase the safety risk to users of the level crossing.
- 6.1.3 As a result, Network Rail proposes to close the level crossing and divert the existing public footpath across the railway via a new stepped footbridge which will be installed at the north end of Yorkfield Lane (as shown in Figure 5). The Order, if made, would authorise the extinguishment of that part of the PROW marked purple on Figure 5. The proposed diversion route, shown marked green on Figure 5, would increase the route by approximately 450m from the point at which it is stopped up at from the level crossing at the western side of the railway to the point at which it rejoins the unaffected section of the PROW on the eastern side of the railway.
- 6.1.4 The level crossing falls under the administrative area of the City of York Council ("the Council"). Network Rail has consulted with the local community and the Council on the mitigation options for the closure of the level crossing and based on usage data and option selection, Network Rail believes the Project will realise the objectives of TRU and provide a safer way for level crossing users to cross the railway lines walking between Copmanthorpe and Bishopthorpe and continuing along the public right of way as shown in Figure 5.

6.2 Option Selection Summary

- 6.2.1 Section 4.5 outlines the strategic alternatives considered in relation to closing the crossings. This section describes the process which led to the Project being taken forward and its development.

Eight detailed options were initially considered by Network Rail (Options A-H) – please refer to Figure 20 Summary of options considered. These options were initially appraised internally, with input from various disciplines. In April

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2021 it was decided that Options F and H would be taken forward for public consultation.

6.2.2 An overview of those 8 options, and explanation as to why 6 of them were not taken forward after the initial option appraisal is set out below.

- Option A: Renewal of MSL and Telephone Protection with Localised Improvements

This option considered upgrading the MSL and telephone protection to compliant positions including amending positions on both sides of the railway to make them visible to users when stood at the repositioned decision points and adding audible warnings. The option was discounted due to the upgraded improvements would not be suitable in the location and would not improve the safety or ALCRM score at the crossing. Audible warnings were discounted due to the proximity of residual properties.

- Option B & Option C: New ramped or stepped footbridge at Recreation ground

These options considered closing the level crossing and replacing it with either a ramped or stepped footbridge located at Copmanthorpe Recreation Ground, approximately 450-500m south of the existing level crossing location.

The recommended location of the footbridge would be at the southern end of the recreation ground, to avoid footbridge steps and ramps encroaching on the recreation ground and the sewage treatments works to the east of the railway.

The options were discounted due to the proximity to nearby residents, temporary and permanent land requirements and size of construction. As this was the preferred option for the Parish Council especially in terms of location, multiple meetings took place between the Project Team and the Parish Council and after discussing the potential impact to the site, it was agreed by both parties to discount this option.

- Option D: New subway at Recreation Ground

This option considered closing the level crossing and replacing it with a subway located at Copmanthorpe Recreation Ground, approximately 450-500m south of the existing level crossing location. Based on the early appraisal of a proposed subway, it was considered likely to be square to the track, a reinforced concrete box approximately 25m long, with approach ramps on either side. The recommended location would be to the southern end of the recreation ground, to avoid the approach ramps encroaching on the recreation ground and the sewage treatments works on the east of the railway. This option was discounted due to the amount of temporary works that would be required for the build, complex engineering solution, added time, expense and disruptions to the railway network. Risk of flooding due to the low water table and may require drainage pumps which would be a Network Rail asset, ongoing maintenance would also be required.

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- Option E: New Subway at Existing Level Crossing Location

This option considered closing the existing level crossing and replacing it with a subway at the same location the level crossing. Based on the early appraisal of a proposed subway, it was considered likely to be square to the track, a reinforced concrete box approximately 25m long, with approach ramps on either side. This option was discounted due to the amount of temporary works that would be required for the build, complex engineering solution, added time, expense and disruptions to the railway network. Risk of flooding due to a low water table and may require drainage pumps which would be a Network Rail asset, ongoing maintenance would also be required.

- Option F: New Stepped Footbridge to the north end of Yorkfield Lane (formerly Becketts Level Crossing)

This option considered closing the existing level crossing and replacing it with a stepped footbridge located at the north end of Yorkfield Lane, approximately 350m north of the existing level crossing location. The option assumed a Network Rail standard 2m wide construction with 2m wide staircases. The vertical clearance from the underside of the deck to the rail level will accommodate the existing overhead line equipment wire heights. This option was taken forward for consultation and subsequently agreed progress to build.

- Option G: New Ramped Footbridge to the north end of Yorkfield Lane (formerly Becketts Level Crossing)

This option considered closing the existing level crossing and replacing it with a ramped and stepped footbridge located at the north end of Yorkfield Lane, approximately 350m north of the existing level crossing location. At option appraisal, the proposal assumed a Network Rail standard deck 3m wide, with provision being made for use by cyclists. The bridge would also have 2m wide staircases and 3m wide ramps. The main span is approximately 21.25m between the bearing plates. The vertical clearance from the underside of the deck to the rail level will accommodate the existing overhead line equipment wire heights. This option was discounted due to the size of construction with the structure falling extensively outside the Network Rail boundary, visibly intrusive to nearby neighbours and a new housing development on Yorkfield Lane site. Additionally, the usage data did not justify the additional costs involved with the structure.

- Option H: Close Copmanthorpe No. 2 Level Crossing and divert users to existing Overbridge ECM4/11 (Temple Lane)

This option considered closing the existing level crossing and diverting all users via the existing railway bridge on Temple Lane (ECM4/11). A footpath would be provided over the railway on the north side of the existing Temple Lane bridge. This would require re-decking the current bridge or adding an additional walkway north of the bridge. A new footpath east of the railway would also be built to connect the public to the existing level crossing. This option was taken

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forward for consultation but was not generally accepted due to the longer diversion route and location in the village.

- 6.2.3 Option F (new stepped footbridge at the north end of Yorkfield Lane) and Option H (divert users to existing level crossing at Temple Lane) were taken forward to public consultation, with Option F forming the basis for the Project as promoted in this TWAO application.
- 6.2.4 Following that public consultation in September 2021 and a detailed option selection process in December 2021 to discuss the feedback from the consultation, it was agreed that Option F would be taken forward as the preferred option.
- 6.2.5 Throughout the development of the Project, Network Rail has been cognisant of its obligations under the Equality Act 2010 (specifically, the public sector equality duty in s.149 of the Act) and of the potential implications of the various options considered for persons with protected characteristics (particularly disabled users, those with reduced mobility, or users with pushchairs). Network Rail has discharged its public sector equality duty throughout its decision making and has prepared a Diversity Impact Assessment (**NR19**) for the Project. The preparation of a DIA is the method that Network Rail has chosen to provide a structured information gathering and decision-making process to ensure those considerations are embedded when projects are being developed and decisions made, and to demonstrate that it has had due regard to the matters required by the public sector equality duty. The DIA is a living document and will continue to be updated and revised as the Project progresses.

7. SCHEME CONSTRUCTION METHODOLOGY

7.1 Introduction

7.1.1 The following construction activities will be required to deliver the Project:

- close and extinguish the level crossing and the existing public rights of way over the Crossing (Figure 7);
- permanently stop up (close) part of the existing Copmanthorpe No.2 public footpath on the east of the railway (Figure 7);
- divert the existing Copmanthorpe No.2 public footpath via a new public footpath diversion route which is to be carried over the railway via the new stepped footbridge to Yorkfield Lane on the north of the Railway.

7.1.2 Some land in third party ownership will be required permanently on either side of the existing railway corridor for the new footbridge. Additional land will also be required by Network Rail for a worksite to construct the new stepped footbridge and to facilitate works required to provide the new public footpath diversion route.

7.2 Compounds and Construction Access

7.2.1 Two compounds are to be established in order to construct the footbridge, one either side of the railway. These compounds will facilitate welfare and materials to construct the new public right of way.

7.2.2 A construction access will be provided to the worksite on the west of the railway from Tadcaster Road via the route shown on sheet 1 of **(NR08)** Land Plans over plots 19 and 24 , and to the worksite on the east side of the railway from a different point on Tadcaster Road via the route shown on the same plan over plots 1 to 15. Network Rail is currently in discussions with the affected landowner on the western side of the railway regarding the exact routing of the construction access.

7.2.3 Additional traffic management will be required for delivery of large bridge elements under abnormal load conditions which would be delivered to the western worksite. These will be coordinated with the local highway authority to minimise disruption to the community and surrounding road network.

7.2.4 The planning and delivery of these abnormal loads will be managed by the TRU logistics team who will ensure that the disruption is discussed with City of York Council. The TRU logistics team forms part of the East of Leeds

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Alliance which is responsible for the delivery of the Project. The emergency services and local communities will be made aware of any abnormal loads.

7.2.5 All abnormal loads will be applied for via the standard Electronic Service Delivery for Abnormal Loads.

7.3 Construction Sequencing for the New Stepped Footbridge

7.3.1 In order to facilitate the construction of the new stepped footbridge, the following works will be required:

- Stage 1: establish site access off Tadcaster Road for both east & west sides, haul roads and set up temporary site compounds;
- Stage 2: De-vegetation and site prep works;
- Stage 3: Installation of piling platforms and crane pads;
- Stage 4: Construction of piled bridge abutments foundations to both east and west of the railway lines;
- Stage 5: installation of bridge deck;
- Stage 6: Installation of access steps; and
- Stage 7: Construction of approach footpaths and fence lines.

7.4 Construction Sequencing for the New Public Right of Way

- Stage 1. Post & wire fence post to be excavated approximately every 20mtrs by hand
- Stage 2. Tension wire to be installed
- Stage 3. Track/footpath area will be rolled in order to create a level walk way
- Stage 4. Following completion of the works, Network Rail will notify the street authority under Article 3 of the draft Order requesting confirmation that the new PRow has been provided to the street authority's reasonable satisfaction.
- Stage 5. Following confirmation/deemed confirmation that the new PRow has been provided to the street authority's reasonable satisfaction, erect signage to advise new PRow route and closure of the level crossing.

7.5 Closure of Copmanthorpe No.2 Level Crossing

- Stage 1. Following completion and opening of the new public right of way, the level crossing will be closed off
- Stage 2. Decking and all services removed, new palisade fencing including a new maintenance pedestrian access installed

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- Stage 3. Erect signage to advise the level crossing is closed and the PRow is open

7.6 Project Delivery Timescales

- 7.6.1 The current planned date for start of construction is subject to a successful application and granting of the TWAO application, however aspirations are to be in a position to establish the site compounds in July 2024.
- 7.6.2 The construction of the new stepped footbridge bridge is expected to take 6-9 months, following site set up.
- 7.6.3 Closure of the level crossing will only start when the new stepped footbridge and PRow are completed and open for public use. Depending on when the Order is made, it is currently anticipated that the construction of the new stepped footbridge will start following site set up in July 2024.
- 7.6.4 Following completion and commissioning of the new stepped footbridge and completion of the new PRow diversion the level crossing will be physically closed off, crossing decks removed, palisade fencing will be erected including a new pedestrian access gate for maintenance purposes and all remedial works will be completed.
- 7.6.5 Works will predominantly be carried out during daylight hours, however some night shift working will be required to lift in the bridge/access steps as these activities involve lifting operations over the railway and will need to be undertaken in non-operational periods of the railway i.e. night time closures. Night-time working will also be required for rail delivery of bulk materials to the site to allow for offloading. This will also minimise the number of road hauled deliveries to the site.

7.7 Time Sensitive Delivery Sequence

- 7.7.1 The key sequence for releasing the benefit of the project TRU E1 is as follows:
- July 2024 – Latest start for bridge construction to achieve Dec 2024 LSI date
 - Dec 2024 - Signalling Train Protection Warning System alterations & speed board changes to 125mph
 - May 2025 - ORR approval (required for trains to use the line speed)
 - Dec 2025 - Timetable change (Set national date for train timetable altered to take benefit of LSI)

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- 7.7.2 The line speed cannot be increased with the level crossing in place. The increase in train speed to 125mph on all lines, coupled with the increased number and length of trains, reduces the safe crossing time available for pedestrians at the level crossing to an unacceptable level. The bridge construction cannot take place prior to the Order being made as Network Rail would not have the land required to construct it. The level crossing cannot be closed without the bridge in place to re-route the PRow over it. It will take 6 months to construct the bridge following the Order being made. Without the level crossing removed, the signalling works required to lift the lines speed cannot take place and the test train (required to run at full 125mph line speed) cannot run. Data from the test train is required to achieve ORR sign off 6 months ahead of any timetable change.

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8. TRANSPORT AND PLANNING POLICY FRAMEWORK

8.1 Introduction

- 8.1.1 While this Order is for land issues only and does not include a request for deemed planning permission to authorise works, Network Rail recognises that the Secretary of State will likely wish to consider how the Project accords with national and local policy and understand the planning position. This is therefore addressed below.

8.2 Network Rail Permitted Development rights

- 8.2.1 The new stepped footbridge to be constructed is consented by the permitted development rights conferred on Network Rail as a statutory undertaker by Part 18 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("GPDO").

Class A of Part 18 of the GPDO

- 8.2.2 Part 18 of the GPDO permits "*development authorised by a local or private Act of Parliament*" and allows Network Rail to rely on the statutory powers set out in relevant Railway Acts that authorised the original construction of the railway.
- 8.2.3 Each Railway Act is accompanied by a set of parliamentary plans showing the "limits of deviation" (LoD) within which works can be carried out. Part 18 provides that certain types of development, which consist of or include:
- the erection, construction, alteration or extension of any building, bridge, aqueduct, pier or dam; and
 - the formation, laying out or alteration of a means of access to any highway used by vehicular traffic
 - do not benefit from deemed planning permission under part 18 "unless the prior approval of the appropriate authority to the detailed plans and specifications is first obtained"
- 8.2.4 Class A of Part 18 can also be relied on in circumstances where elements of works are located outside of Network Rail's operational boundary, provided the proposed works are consistent with the nature of works set out in the relevant Railway Act and within the LoD.
- 8.2.5 In this case the relevant Railway Act is the North Eastern Railway Act 1905 incorporating the railway Clauses Consolidation Act 1845, which allows the undertaker to make, maintain, alter, repair and use the railway. The siting of

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the new stepped footbridge falls wholly within the prescribed LoD as indicated in **(NR08)** Land Plans.

8.2.6 On this basis an application seeking the Prior Approval of the City of York Council was submitted on 13th September 2022 and Prior Approval for the stepped footbridge was granted on 24th November 2022 (application number 22/01988/PAP18) **(NR15)**.

8.2.7 The creation of temporary site compounds to support construction works is required to the east and west of the railway line. The use of land for such purposes is permitted by Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 GPDO.

8.3 National and Local Policy

8.3.1 There is considerable support for the TRU programme, of which the Project forms part, in national, regional and local policy.

National Rail Policy

The Growth Plan 2022 (NR20)

8.3.2 The Government's Growth Plan outlines various measures to accelerate the delivery of priority major infrastructure, which it classifies as a vital means of driving the UK's economic growth and delivering Net Zero. The Plan also lists infrastructure projects that will be prioritised for acceleration, including the TRU as a specifically named priority major infrastructure project within Annex B.

Levelling Up the United Kingdom – White Paper 2022 (NR21)

8.3.3 The Levelling Up the United Kingdom White Paper sets out the next stages in the Government's programme to level up the UK, including:

- By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services (page xvii).
- With reference to the Integrated Rail Plan (2021), the improvements could see improved services in terms of destinations served, electrified trains, higher frequencies, more seats and/or faster services.

Integrated Rail Plan for the North and Midlands – 2021 (NR22)

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- 8.3.4 The Integrated Rail Plan (IRP) for the North and Midlands was published in November 2021 and sets out core railway projects that the Government intends to invest in over the next 30 years.
- 8.3.5 Recognising that the TRU will now be significantly expanded to enable Northern Powerhouse Rail (NPR– a vision to improve rail connectivity between the major northern cities), it will be managed as the first phase of NPR. The IRP states that the whole TRU route will be electrified, installing full digital signalling, and add longer sections of three and four-tracking to allow fast trains to overtake stopping services, leading to an initial increase in through passenger services of 20% compared with the pre-COVID-19 situation (page 14).
- 8.3.6 In the core pipeline, the IRP states that between Liverpool and York, to build NPR in line with the 2019 Option 1 developed by Transport for the North, this will see electrification of Leeds – York (the TRU Project) with some sections of four-tracking (page 100).

National Infrastructure Delivery Plan 2016 – 2021 (NR23)

- 8.3.7 The National Infrastructure Delivery Plan (NIDP) which was published in March 2016 sets out how the Government intends to support the delivery of key infrastructure projects and programmes. It brings together the Government's plans for economic infrastructure over a 5-year period from 2016 – 2021.
- 8.3.8 The NIDP sets out context to the national strategy for delivering infrastructure. It states that the Government is committed to carrying out the largest rail modernisation programme since Victorian Times (paragraph 4.6).
- 8.3.9 The NIDP sets out infrastructure priorities 2020/21 which includes the Network Rail enhancement programme. This programme is designed to provide necessary extra capacity, more services and better journeys. The Scheme is highlighted as being one of the key projects and programmes (page 36), with the NIDP noting that continued Transpennine electrification works form part of the Network Rail enhancement programme.

National Policy Statement for National Networks 2015 (NR24)

- 8.3.10 The National Policy Statement for National Networks ('NPS-NN') sets out the need for, and Government's policies to deliver, development of nationally significant infrastructure projects (NSIPs) on the national road and rail networks in England. Whilst the Project does not meet the NSIP threshold set

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out in the Planning Act 2008, it may also be a material consideration on applications which fall under TCPA 1990 (so would apply to the Project if an application for a planning direction had been made)

8.3.11 Section 2 of the NPS-NN states that:

“The Government will deliver national networks that meet the country’s long-term needs; supporting a prosperous and competitive economy and improving overall quality of life, as part of a wider transport system. This means:

Networks with the capacity and connectivity and resilience to support national and local economic activity and facilitate growth and create jobs.

Networks which support and improve journey quality, reliability, and safety.

Networks which support the delivery of environmental goals and the move to a low carbon economy.

Networks which join up our communities and link effectively to each other”

8.3.12 The NPS-NN recognises, in paragraph 2.2 that ‘*there is a critical need to improve the national networks to address road congestion and crowding on the railways to provide safe, expeditious and resilient networks that better support social and economic activity; and to provide a transport network that is capable of stimulating and supporting economic growth.*”

8.3.13 Paragraph 2.4 sets out the pressures the national networks are under, including a projected increase of 40% of journeys undertaken by rail and rail freight having the capacity to double by 2030.

8.3.14 At paragraph 2.10 Government concludes at a strategic level that there is a compelling need for the development of national networks.

8.3.15 The need for development of the national rail network is set out from paragraphs 2.28 –2.41.Paragraph 2.29 sets out the Government’s vision for the transport system, where railways deliver; reliable and safe routes to work; connect communities with services and provide for freight transport. Paragraph 2.37 highlights the need to improve the capacity, capability, reliability and resilience of the rail network, meaning reduced overcrowding, improved journey times, robust operational performance and a modal shift from road to rail. Paragraph 2.40 promotes the environmental benefits of rail improvements stating that modal transport shift can help reduce transport’s carbon emissions.

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- 8.3.16 The Project supports and contributes to the delivery of the Government's policy for rail, as set out in the NPS.

National Infrastructure Strategy (NIS) (NR25)

- 4.3.1 The NIS brings together the government's long-term infrastructure priorities with the short-term requirement for the economy to recover following the COVID-19 pandemic. The NIS is committed to boosting growth and productivity through targeted investment, aiming to meet the UK's target of net zero carbon emissions by 2050 and supporting private investment to help deliver the upgrades and improvements needed.
- 4.3.2 The Government has also established Project Speed, a new infrastructure delivery mechanism, to bring forward proposals to deliver government's public investment projects more strategically and efficiently. In my opinion town planning, and the consenting process, forms a crucial role in the delivery of Project Speed initiatives.
- 4.3.3 With funding already committed, as detailed within the Funding Statement (NR05), TRU is a key element of the NIS and will contribute to the Government's aim of 'building back better'. The TRU Scheme not only provides the rail enhancements needed to improve transport connectivity and a cleaner, and greener transport network, but also provides the stimulus for associated economic growth and productivity from improved performance and reliability.

Regional and Local Rail Policy

Strategic Transport Plan, Transport for the North 2019 (NR26)

- 8.3.17 Transport for the North (TfN) comprises the North's local transport authorities and business leaders and Network Rail, National Highways, and HS2 Ltd. The TfN Strategic Transport Plan notes that the strategic outputs of TRU are fully delivered so the TRU programme can deliver maximum benefits to the Northern Powerhouse Rail Programme which will deliver longer term benefits across the North (section 98-103).

City of York Local Transport Plan 2011 – 2031 (LTP3) (NR27)

- 8.3.18 The Council's Local Transport Plan at paragraph E12 identifies a desire to support better rail services and connections. Emphasis in the strategy includes supporting rail to encourage more trips by this mode.

City of York Draft Local Transport Strategy

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- 8.3.19 This Strategy is still at consultation stage but if adopted, will set out a decade of ambitions for York's transport network and infrastructure. Crucially, City of York Council state that it will focus on several key challenges which include: reaching net zero by 2030; strengthening the economy post- COVID 19; accommodating the growth set out in the Local Plan and addressing existing shortcomings with transport in York. The key aims are aligned with the benefits brought about by the TRU programme.

Leeds City Region Strategic Economic Plan 2016 – 2036 (NR28)

- 8.3.20 Published in 2016 by the West Yorkshire Combined Authority and the Leeds City Region Enterprise Partnership and covering West Yorkshire and York and Selby Districts, the Plan identifies investment in transport infrastructure as one of four priorities, noting that investment will include Transpennine electrification within the Leeds City Region

National Planning Policy

- 8.3.21 The National Planning Policy Framework, DCLG (2012 & updated July 2021) (NPPF) (NR29) is the overarching national planning policy document.
- 8.3.22 Paragraph 8 sets out the three key objectives of the planning system - economic, social and environmental objectives, including minimising pollution, identifying and co-ordinating the provision of infrastructure and moving to a low carbon economy
- 8.3.23 Section 9 (Promoting sustainable transport) states that the transport system needs to be balanced in favour of sustainable transport, giving people a real choice about how they travel (paragraph 104). It further states that encouragement should be given to solutions which support reductions in emissions and reduce congestion.

Local Planning Policy

- 8.3.24 The site lies entirely within the administrative area of the City of York Council. The main local planning policy documents relevant to the scheme are as follows:
- City of York Draft Local Plan (DLP) (incorporating the 4th set of changes) approved for Development Control Purposes April 2005 (NR30)
 - Emerging City of York Local Plan Publication Draft (February 2018) (Proposed Main Modifications Consultation closed on 27th March 2023) (NR31)

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- Copmanthorpe Neighbourhood Plan (pre-submission consultation has been undertaken however plan remains unadopted) (**NR32**)

City of York Draft Local Plan (DLP) (incorporating the 4th set of changes)

The current Local Plan identifies in Figure 1 that one of the Council's Key Sustainable Themes is to encourage the increased use of rail travel by visitors to the City as well as freight transport by rail to reduce impacts on the environment.

Paragraph T9 supports the use of rail for the transport of freight.

*City of York Local Plan - Publication Draft (February 2018) (**NR33**)*

- 8.3.25 City of York Council is preparing a new Local Plan that will set out the policies for future growth in the area. Further consultation on Main Modifications has taken place under Regulation 19 of The Town and Country Planning (Local Development) (England) Regulations 2012 (as amended) which closed on 27th March 2023. The Publication Draft Local Plan is at an advanced stage.
- 8.3.26 At paragraph 1.65 the Plan recognises that York benefits significantly from being in a strategic location on the UK's rail network, including having a direct rail link to Manchester Airport. Paragraph 1.65 also acknowledges strong support for improving rail as part of general improvements to public transport to and within York, including, amongst other programmes, Northern Powerhouse Rail.
- 8.3.27 Policy T2 states that the Plan will support the delivery of general and specific junction, highway or public transport infrastructure enhancements as set out in the Local Transport Plan 2 2011- 2031 (LTP3).
- 8.3.28 In addition Policy T2 confirms that the Plan will also support (subject to compliance with other policies in the Plan) development proposals that improve rail access and connectivity along with capacity improvements and other enhancements (including new technology applications, where appropriate) on rail lines running into or through York

*Copmanthorpe Neighbourhood Plan (unadopted) (**NR32**)*

- 8.3.29 An emerging neighbourhood plan may also be a material consideration in the determination of planning applications, with weight attributed in accordance with NPPF paragraph 48. Whilst the current draft Copmanthorpe Neighbourhood Plan has been through public consultation and has been

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formally submitted to City of York Council it has not been consulted on at Submission stage, and no examiners report has been received. It therefore holds minimal weight in relation to planning applications in the Copmanthorpe Parish.

Transport and Planning Policy Analysis

Need for infrastructure provision and economic growth

8.3.30 The scheme will enable the closure of the existing level crossing by diverting the existing public right of way via a new stepped footbridge over the railway. This in turn will realise the benefits of the wider TRU programme which include:

- increased safety of railway staff, passengers and the public;
- improved efficiency and reliability of the railway;
- reduced operating and maintenance costs of the railway;
- reduced delays of trains and other highway users; and
- facilitate capacity and line speed increases on the network in the future.

8.3.31 These are defined benefits that will be delivered as part of the TRU, which in turn is a fundamental component of government policy to deliver levelling up (the 2022 White Paper) and Northern Powerhouse Rail (the 2021 IRP). Importantly, the Growth Plan of September 2022 places great emphasis on the urgent delivery of TRU and its benefits.

8.3.32 The Scheme also contributes to the increased transport capacity and associated economic growth aspirations of regional transportation policy in the Leeds City Region Strategic Economic Plan as well as improving rail services in line with aspirations of the City of York Local Transport Plan 2011 – 2031, the City of York Draft Local Transport Strategy and policy T2 of the City of York Local Plan - Publication Draft (February 2018).

8.3.33 The Scheme also aligns with the NPPF key objective of provision of infrastructure and benefits from the significant weight to be placed on economic growth in decision making

8.3.34 Delivery of the Scheme as in integral part of TRU is also consistent with the government NPS-NN commitment to deliver transportation networks with adequate capacity and resilience and which improve journey quality, reliability and safety.

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9. LAND AND PROPERTY

9.1 Introduction

9.1.1 The Works and Land Plan (**NR08**) includes 28 land parcels related to the Scheme, with four principal freeholders. A full schedule of land/rights required for the Order is presented at Appendix 4.

9.1.2 The Order, if made, will grant Network Rail the powers to:

- Acquire land – the permanent acquisition of land is required to construct the footbridge; and
- Temporarily possess Land - the temporary possession of land is required to facilitate the construction of the Scheme works.

9.1.3 The Order will also authorise Network Rail to:

- temporarily use land for access during construction;
- temporarily use land for maintenance during the "maintenance period" (as defined in Article 9(11) of the draft Order (**NR02**)); and
- Survey or investigate land within the Order limits.

9.1.4 All the areas of land which are sought in the draft Order are required for the Project and no land will be compulsorily acquired either permanently or temporarily unless needed for the construction, operation, or maintenance of the Project.

9.2 Proposed Land and Property Acquisition

9.2.1 The Draft Order (**NR02**) and the Land Plans (**NR08**) identify the land which Network Rail may permanently acquire or temporarily use.

9.2.2 The Book of Reference (**NR07**) details the owners and occupiers of land and property within the Scheme limits and is to be read in conjunction with the Land Plans (**NR08**) which accompanies the Draft Order (**NR02**).

9.3 Permanent Land and Property Acquisition

9.3.1 In order to construct the Project works to be authorised by the Order, permanent land take will be required. Permanent acquisition powers are being sought over plots 23, 26, 27 and 28 shown on the Land Plans (**NR08**). Those plots of land identified as required on a permanent basis are identified in the schedule at Appendix 4.

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- 9.3.2 In respect of land which is subject to the power of temporary possession, that land will be returned to the owner once the Project has been completed with all temporary works removed and the land restored to the reasonable satisfaction of the landowner.

9.4 Compensation

- 9.4.1 The Order makes provision for those parties who have rights imposed upon them or whose land or interests in land/property are compulsorily acquired or used (either temporarily or permanently) to be entitled to claim compensation.
- 9.4.2 Network Rail has sought, and will continue to seek, to reach agreement with affected landowners to acquire or use land by agreement rather than by the exercise of compulsory powers. All efforts will be taken to settle compensation claims in a timely and reasonable manner. Where agreement cannot be reached between Network Rail and the affected parties, both the acquiring authority and the claimants will have the right to refer the claim to the Upper Tribunal (Lands Chamber) or seek to settle the matter via Alternative Dispute Resolution.

9.5 Justification for Compulsory Purchase Powers

- 9.5.1 The compulsory purchase of the land and associated interests is essential to enable the Project to be implemented and for Network Rail to deliver the Project within a reasonable timescale.
- 9.5.2 The Order application has been made to ensure that all the land required for the Project can be secured within a reasonable timescale, thereby maintaining the affordability and deliverability of the Project.
- 9.5.3 In preparing and making the Order application and preparing this Statement of Case, Network Rail has had due regard to the guidance on compulsory purchase, entitled "Guidance on Compulsory Purchase Process and the Crichel Down Rules", introduced in October 2015 and last updated in July 2019 by the Ministry Housing, Communities & Local Government ("the Guidance").
- 9.5.4 The Guidance advises that an acquiring authority should only make a compulsory purchase order where there is a compelling case in the public interest to do so. As set out above, the Project is required to remove the constraints to line speed increases, additional capacity and the improvement of the reliability and resilience of this part of the NTPR, as well as removing the risk to users of those using and crossing the railway through the removal

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of the level crossing a diversion of users to a graded separate. Those benefits cannot be secured without the acquisition of the land and rights which would be authorised by the Order. Network Rail is satisfied that there is a compelling case for the use of compulsory purchase powers for the reasons set out in this Statement of Case (**NR11**).

- 9.5.5 The timely acquisition of these interests on reasonable terms and within a realistic timescale will very likely only be achievable through securing powers of compulsory purchase.
- 9.5.6 The Order also provides for the acquisition of rights and for the temporary use of land where the Project can be delivered without the compulsory acquisition of land. Network Rail has thus sought to reduce, as far as reasonably practicable, the land or interests required to be compulsorily acquired in order to deliver the Project.
- 9.5.7 As per section 9.6 of this report, all parties with an interest in land who have rights imposed upon them or who have land taken from them, either temporarily or permanently, will be able to claim compensation.
- 9.5.8 The Order, including the requirement to pay compensation, strikes a fair and proportionate balance between the private interests of the landowners and the public interest in securing the benefits of the Project to the national railway network. Network Rail therefore considers that the compulsory acquisition of the lands, interests or rights included within the Order accords with the tests set out in national policy and is compatible with the rights protected under the European Convention on Human Rights.

10. CONSULTATION AND ENGAGEMENT

10.1 Introduction

- 10.1.1 Network Rail has consulted widely on the Project with stakeholders (statutory and landowner) and the local community from August 2021 to January 2023. The purpose of the consultation was to ensure statutory bodies, landowners, members of the public and other stakeholders had an opportunity to understand and comment on the Project.
- 10.1.2 Network Rail recognises that the Project will inevitably have an impact on the area surrounding and engagement with both stakeholders and the community will continue as the Project develops. The purpose of the consultation was to ensure statutory bodies, landowners, members of the public and other stakeholders had an opportunity to understand and comment on the Project.

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- 10.1.3 Public and stakeholder (statutory) and stakeholder (landowner) consultation on the proposals for the Project took a single phased approach. An information event, pre submission of the Order was also held in January 2023. A summary of consultation phases is set out in Figure 23 Summary of consultation events below. The Consultation Report (**NR07**) sets out who was consulted, on what issues, during each of the phases of consultation.
- 10.1.4 Consultation has been important in helping identify potential issues at an early stage of the Project's development. It has enabled Network Rail to collate as much feedback as possible as the design of the Project has progressed. Comments from both stakeholders (statutory and landowner) and the public have been considered and have informed the iterative design process.

Date	Consultation activity
August 2021	Stakeholder (landowner) consultation
September – October 2021	Phase 1 public consultation
September – October 2021	Phase 1 stakeholder (statutory) consultation
January 2023	Phase 1a stakeholder (statutory) consultation
January 2023	Public information event

Figure 23 Summary of consultation events

- 10.1.5 Consultation was ongoing with all consultees throughout the consultation period with meetings, phone calls, emails, presentations and site visits.
- 10.1.6 To publicise the public events, a A5 invitation and information flyer and postage-paid feedback form was sent to 1400 households throughout Copmanthorpe Village.
- 10.1.7 Tweets about the public consultation were posted from the @theGNRP Twitter account (Network Rail's account for the Great North Rail Project) and shared from the @NetworkRailLDS account (Network Rail's account for Leeds City Station). Tweets about the public consultation were posted from the @theGNRP Twitter account (Network Rail's account for the Great North Rail Project) and shared from the @NetworkRailLDS account (Network Rail's account for Leeds City Station).
- 10.1.8 Information on the Project and the public consultation was made available on the Network Rail website: www.networkrail.co.uk/copmanthorpelx
- 10.1.9 The project team reviewed all consultation feedback at each consultation phase and where feasible, this feedback influenced the design proposals.

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10.1.10 Since first consulting with stakeholders in June 2021, many of the discussions with organisations and individuals have been iterative, with regular updates via meetings or site meetings. This approach will continue for the duration of the Project.

10.2 Landowner Engagement and Negotiation

10.2.1 Over the course of the design development of the Project, regular engagement has taken place with all impacted landowners, the full details of which are described in the Consultation Report (**NR06**).

10.2.2 As part of this consultation process Network Rail were available for discussion with property interest holders throughout the design period up to the submitting of the Draft Order and were willing to discuss early acquisition of land throughout that period.

10.2.3 Engagement commenced at an early stage in August 2021 with initial meetings held with impacted landowners. At these meetings it was confirmed that closure of the level crossing was being progressed, with two options presented for consultation. The first option was a stepped footbridge, later selected as the preferred option, whilst the second option was a longer diversion via Temple Lane. Comments were noted regarding the diversion of the footpath under both options, the land take required for a footbridge and temporary compound requirements.

10.2.4 During the engagement meeting with Mr White, one of the key landowners, it was noted that planning permission for residential development was being applied for on land required for the stepped footbridge option.

10.2.5 Following feedback from this landowner engagement and wider public consultation, the stepped footbridge option was selected as the preferred option. This was communicated to affected landowners and wider consultees as part of the public consultation.

10.2.6 Following the selection of a preferred option, engagement continued with key landowners to discuss the details of the preferred option.

10.2.7 In November 2022, a site meeting was held with Mr White. By this stage, outline planning permission had been granted for the proposed residential development. Discussions were focused on minimising the interference the Project would have on any forthcoming residential development.

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- 10.2.8 With the engagement process having started at an early stage, feedback from landowners fed into each stage of design with a view to minimising negative impacts of the Project as far as reasonably possible.
- 10.2.9 Negotiations are continuing to be progressed, including with the key landowner, Mr White and the anticipated housing developer, with a view to negotiating the requirements by agreement where possible.
- 10.2.10 The design and land requirements, as promoted through the Order, represent the requirement as it currently stands to deliver the Project. Detailed design will continue and Network Rail will only acquire the necessary proprietary interests required to construct the Project.

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11. OBJECTIONS, REPRESENTATIONS AND STATEMENTS OF SUPPORT

11.1 Objection Period

11.1.1 After the Order application was made to the SoS on 16 March 2022, the SoS invited objections, representations and letters of support, in accordance with the 2006 Rules, to be sent to the SoS by 2 May 2023. During that objection period 43 objections, 3 representations and 3 letters of support were received.

11.2 Objections and representations

11.2.1 There are a number of objectors and those making representations to the Project who live in the area of the Project and there are some who have general concerns about Network Rail's approach who live outside the area.

11.2.2 Figure 24 Themes of objections and representations) groups together the themes raised by objectors and those making representations to the Order application under broad headings and shows the number of times each issue was raised, as well as Network Rail's response. Each objection/representation often referred to more than one issue.

11.2.3 Network Rail is writing to all objectors individually in response to their letters of objection.

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Objection number	Theme of objections/representations	Issues raised	Network Rail's position
REP 01 REP 02 OBJ 01 to OBJ 11 OBJ 13 to OBJ 43	Objects to new footbridge	<ul style="list-style-type: none">• Objects to moving the PRow over the stepped footbridge• Denies access to mobility impaired people• The proposals are less accessible than current crossing• Network Rail should provide a ramped structure & reluctance to look at other alternatives• A ramped structure would enable the upgrading of the footpath• Usage data flawed• Refusal to consider other options• Non-compliance with relevant regulations and guidelines• Value for money	<p>As a public body, Network Rail is cognisant of the importance of accessibility and its obligations under Public Sector Equality Duty. We have considered consultation feedback throughout the design process and have given careful consideration to a number of options that could be provided as a replacement for the existing at grade level crossing and in doing so, we have had careful regard to factors such as current usability of the route of which the level crossing forms part, the purpose for which that route is likely to being used, the location of the level crossing and the diversion of the Public Right of Way.</p> <p>Also, importantly, Network Rail must consider the impacts alternative options have on third party land. When acquiring third party land through powers granted by a Transport and Works Act Order application, Network Rail must show there is a compelling case in the public interest.</p> <p>Network Rail also has to consider the feasibility of constructing or providing alternative options and also Network Rail's obligation to ensure value for money in terms of the solutions it puts forward.</p> <p>Network Rail carried out user census surveys in 2015, 2016, 2021 and an origin and destination survey in 2017. The data from these surveys and other factors such as the current usability and accessibility of the level crossing within the wider route of which the level crossing forms part, helped inform Network Rail in its decision to opt for a stepped footbridge.</p>

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Objection number	Theme of objections/representations	Issues raised	Network Rail's position
		<ul style="list-style-type: none"> Ramps will not be built in the future Proposals have not adequately considered the needs of the future residents of the proposed housing development 	<p>All the factors above have informed Network Rail's judgement that the right solution at this location is a stepped footbridge as opposed to a ramped structure.</p> <p>Network Rail has actively provided passive provision to install ramps in the future and should there be a wider strategy amongst third parties to achieve this, then Network Rail can commit to working with those third parties.</p>
OBJ12	Objects due to the cost of the Project	<ul style="list-style-type: none"> Proposes an alternative to divert the footpath 750m south over Bridge 11 Temple Lane 	<p>As part of the consultation feedback, the majority of stakeholders preferred the new stepped footbridge Scheme option. By diverting the footpath 750m south and over Bridge 11 Temple Lane, this option would lead to a longer diversion, reduce the number of crossing points across the railway line in the village from two to one, with the remaining option being at the southern edge of the village.</p>
OBJ18 OBJ20 OBJ26	Diversity Impact Assessment (DIA)	<ul style="list-style-type: none"> Network Rail's DIA has inadequately explored alternative designs 	<p>Eight detailed options were initially considered by Network Rail. These options were initially appraised internally, with inputs from various disciplines. In April 2021, it was decided that two of these options would be taken forward for public consultation.</p>
OBJ 18 OBJ 20 OBJ 23 OBJ 28 OBJ 31 OBJ 38	Consultation	<ul style="list-style-type: none"> Network Rail has failed to consult with Bishopthorpe Parish Council Consultation flawed 	<p>Network Rail consulted with the Parish Council on two options in September 2021 and the Parish Council kindly provided feedback, acknowledging that the closure of the existing level crossing and the replacement stepped footbridge would enable Network Rail to deliver the public right of way via the shortest and safest alternative.</p>

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Objection number	Theme of objections/representations	Issues raised	Network Rail's position
OBJ 24 OBJ 28 OBJ 31 OBJ 39	Level Crossing	<ul style="list-style-type: none"> Keep the level crossing open (until a ramped structure can be built) Time constraints 	<p>Timing constraints are a material consideration for this Scheme and indeed the Transpennine Route Upgrade. From a programme perspective, the new train timetable with increased lineside and frequency of services comes into effect in December 2025. Therefore, the new stepped footbridge needs to have been completed by December 2024, at the latest, to allow for the level crossing to be closed. Also, during the Christmas period of 2024, when the railway is closed for longer periods of time than typically other times in the year (possessions), Network Rail has booked well in advance the signalling resources required to change the signalling. Once the signalling is changed, it is not possible to have the level crossing open as it will no longer be a safe alternative to cross the railway.</p> <p>From a safety perspective, Network Rail wants to close the level crossing because it has a history of misuse incidents, and it is classed as high risk - All Level Crossings Risk Model (ALCRM) B2. The ALCRM is a risk model which supports Network Rail's level crossing safety assessments,</p>
OBJ 26 OBJ 27	Climate Change	<ul style="list-style-type: none"> Network Rail has not considered how the Project will contribute to the UK's climate change goals 	<p>The new stepped footbridge is to facilitate the wider Transpennine Route Upgrade (TRU) programme which will assist towards the Climate Change Act by contributing to the electrification and decarbonisation of the railway</p>
OBJ 26	Gear Change	<ul style="list-style-type: none"> The right to use active travel forms part of the Government's Gear Change Policy 	<p>The Transpennine Route Upgrade has full support from the Government, with the programme client being the Department for Transport and numerous approvals already received.</p> <p>By diverting the existing Public Right of Way over the new stepped footbridge, on which cyclists should not ride bicycles,</p>

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Objection number	Theme of objections/representations	Issues raised	Network Rail's position
			Network Rail is maintaining the ability for the public to take a recreational route between Copmanthorpe to Bishopthorpe.
OBJ 27	Built Environment Accessibility Panel (BEAP)	<ul style="list-style-type: none"> Network Rail has not consulted with BEAP 	Network Rail met with the BEAP panel in November 2022 to discuss the stepped footbridge including the design. The feedback from BEAP was taken into consideration when developing and finalising the Project and will continue to have regard to it when the detailed design of the new stepped footbridge is developed.
OBJ 32 OBJ 33 OBJ 23 REP 03	Land	<ul style="list-style-type: none"> Impact on land 	Network Rail is engaged with the landowner and other interested parties to reach a formal agreement so that the objections and representation can be withdrawn
OBJ 38	Town and Country Planning (General Permitted Development (England) Order 2015	<ul style="list-style-type: none"> This consent does not allow public scrutiny 	Permitted development rights granted under Part 18 of the General Permitted Development Order 2015 (GPDO) are used by Network Rail (as a statutory undertaker) to deliver development required in connection with the operation of the railway.
OBJ 38	Future upgrade of route between Copmanthorpe and Bishopthorpe	<ul style="list-style-type: none"> With plans in the future to develop an active travel route connecting Copmanthorpe and Bishopthorpe, it is short sighted not to incorporate a ramped structure 	The design of the new stepped footbridge provides passive provision for ramps, therefore, should this route be upgraded to a cycle/multi-use route in the future, and if there is to be a wider strategy amongst third parties to achieve this, then Network Rail can commit to working with those third parties.

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Objection number	Theme of objections/representations	Issues raised	Network Rail's position
OBJ 40	Bicycles	<ul style="list-style-type: none">The existing crossing is not implemented with bicycles in mind	Network Rail is proposing to divert the existing footpath, which is not a cycleway and therefore should not be used by cyclists. By closing the crossing, it will enable users to cross the railway in a much safer way and will be available 24/7, regardless of trains using the railway line.
OBJ 40	Ecology	<ul style="list-style-type: none">A stepped footbridge is an incorrect change for the ecology	In relation to ecology, Network Rail is maintaining the ability for the public to take a recreational route between Copmanthorpe to Bishopthorpe and there are alternative routes for those with different ecology characteristics. It is Network Rail's view that the footprint of a ramped bridge would have more of an impact on ecology than a footbridge.
OBJ 41	Network Rail's Inclusive Design Principles	<ul style="list-style-type: none">Network Rail is not following its own inclusive design principles	Network Rail's design is informed by its Design Impact Assessment and other technical design standards. When developing the detailed design of the new stepped footbridge, Network Rail will endeavour to make it as accessible as possible in terms of width and design factors.

Figure 24 Themes of objections and representations

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11.3 Network Rail's Response to Representations

11.4 Statements of Support

11.4.1 Network Rail has received 3 letters of support from the following:

- Transpennine Express;
- Office of Road and Rail; and
- London North Eastern Rail

11.4.2 The above organisations broadly support the Project for the following reasons:

- The Project helps progress the benefits of TRU; and
- Supports the Project in line with the principles of prevention set out in the Management of Health and Safety at Work Regulations 1999.

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12. NOTICE AS REGARDS CORE DOCUMENTS

- 12.1.1 The list of documents appended to this Statement is a list of those documents which Network Rail currently intends to refer to or put in evidence at the Inquiry. Those documents are available for public inspection free of charge until the commencement of the Inquiry at Copmanthorpe Library, Village Centre, Main Street, Copmanthorpe, York YO23 3SU.
- 12.1.2 As opening times are subject to change, please click on the following link <https://exploreYork.org.uk/libraries/> to check opening times of the library.
- 12.1.3 Copies of the documents can also be viewed and downloaded from Network Rail's website <https://www.networkrail.co.uk/running-the-railway/railway-upgrade-plan/key-projects/transpennine-route-upgrade/copmanthorpe-level-crossing/#twao>
- 12.1.4 Copies of the Statement of Case, or other documents which may be served on or by Network Rail in accordance with Rule 7 of the TWA Inquiries Rules, may be inspected free of charge and, where practicable and subject to payment of a reasonable charge be obtained from Penny Carter, Network Rail Infrastructure Limited, 1st Floor, Square One, 4 Travis Street, Manchester M1 2NY (telephone: 0161 880 3936).

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Appendix 1: Supporting Core Document

Network Rail Reference	Document Title
NR01	Application Letter
NR02	Draft Order
NR03	Explanatory Memorandum
NR04	Statement of Aims
NR05	Funding Statement
NR06	Consultation Report
NR07	Book of Reference
NR08	Land Plans
NR09	Rule 18 Waiver
NR10	List of Consents, Permissions or Licences Required Under Other Enactments
NR11	Statement of Case
NR12	Decision letter: The Network Rail (Huddersfield to Westtown) Dewsbury Improvements Order
NR13	Transforming Level Crossings 2015-2040
NR14	ORR Strategy for Regulation of Health and Safety Risks – 4: level crossings
NR15	Letter from City of York Council granting prior approval 24 November 2022

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Network Rail Reference	Document Title
NR16	Enhancing Level Crossing Safety 2019-2029, A long term strategy targeting improved safety on Great Britain's railway"
NR17	Office of Rail and Road (ORR) "Level Crossings; a guide to managers, designers and operators – Railway Safety Publication 7".
NR18	Office of Rail and Road (ORR) "Principles for managing level crossing safety" published on 15th July 2021.
NR19	Diversity Impact Assessment
NR20	The Growth Plan 2022
NR21	Levelling Up the United Kingdom – White Paper 2022
NR22	Integrated Rail Plan for the North and Midlands
NR23	National Infrastructure Delivery Plan 2016 – 2021
NR24	National Policy Statement for National Networks 2015
NR25	National Infrastructure Strategy (NIS)
NR26	Strategic Transport Plan, Transport for the North 2019
NR27	City of York Local Transport Plan 2011 – 2031 (LTP3)
NR28	Leeds City Region Strategic Economic Plan 2016 – 2036
NR29	The National Planning Policy Framework, DCLG (2012 & updated July 2021)
NR30	City of York Draft Local Plan (DLP) (incorporating the 4th set of changes) approved for Development Control Purposes April 2005

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Network Rail Reference	Document Title
NR31	Emerging City of York Local Plan Publication Draft (February 2018) (Proposed Main Modifications Consultation closed on 27th March 2023)
NR32	Copmanthorpe Neighbourhood Plan
NR33	City of York Local Plan - Publication Draft (February 2018)
NR34	Network Rail standard NR/L2/SIG/11201/Module X40 Signalling Design: Level Crossings: Miniature Stop Lights
NR35	LCG 02 Level Crossing Guidance Document: Census Good Practice
NR36	Network Rail Work Instruction NR/L3/XNG/308 'Risk assessing level crossings'

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Appendix 2: Incident History

Fatalities in the last 10 years at Copmanthorpe No.2 Level Crossing

- 01/05/2016 – the driver of 2T08 Leeds to York reported that they had observed a body in the vicinity of Y779 signal in the vicinity of Copmanthorpe crossing; and
- 02/11/2022 – the driver of 2T16 York to Leeds reported that they had struck a person on the Up Leeds line at Copmanthorpe No 2 level crossing.

Near misses at Copmanthorpe No.2 Level Crossing

- 12/06/2015 – the driver of 1E74 Liverpool Lime Street to Newcastle Central had reported a near miss with a young lady in her mid 20s at Copmanthorpe crossing; and
- 11/09/2020 – the driver of 1P81 reported a near miss at Copmanthorpe No 2 crossing.

Fifteen Trespass and Misuse Incidents Reported

- 16/01/2013 – British Transport Police reported a suicidal male on the line near Copmanthorpe No 2 FPWM crossing;
- 05/03/2013 – driver of 1P46 reported via an emergency broadcast that there was a female inside the boundary fence at Copmanthorpe;
- 31/03/2013 – North Yorkshire Police reported a suicidal male on the lines at Copmanthorpe;
- 04/06/2013 – North Yorkshire Police reported that a 13-year-old female with ongoing issues was in the Copmanthorpe crossing area;
- 29/07/2013 – North Yorkshire Police stated that a young girl had reported herself lineside in the Copmanthorpe area;
- 11/07/2014 – person crossed with the red lights showing;
- 21/12/2014 – driver of 1Y38 reported an elderly gentleman lineside in the Copmanthorpe area;
- 17/05/2015 – BTP advised of a report of a 16-year-old female threatening to commit suicide on the railway lineside near Copmanthorpe;
- 25/02/2016 – York Mobile Operations Manager and BTP keeping trespassers at bay as the Flying Scotsman Locomotive was running;
- 12/11/2016 – driver of 1S16 Kings Cross to Inverness reported a woman had stepped out onto Copmanthorpe level crossing and then stepped back again;
- 11/05/2018 – 1P59 Middlesbrough to Manchester Airport made an emergency brake application due to two young people approx. 16 years old, reported to be playing 'chicken';

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- 18/09/2019 – driver of 1P86 reported children playing ‘chicken’ at Copmanthorpe No 2 level crossing;
- 04/03/2020 – the driver of 1E29 reported cyclists on Copmanthorpe No 2 crossing as the train approached;
- 13/05/2021 – Signaller received a call from a drunk person at Copmanthorpe No 2 level crossing. A caution was imposed as it was unclear of his intentions; and
- 11/11/2021 – 1E05 Edinburgh to Kings Cross reported that on approach to Copmanthorpe No 2 level crossing a male stepped out and on seeing the train stepped back off the crossing.

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Appendix 3

Data from census carried out in 2013, 2016 and 2021

2013 User Census

Census			Totals per day					
Site 2 - Copmanthorpe No2 Level Crossing			Pedestrians					
Day		No. trains per day	Adult	Accompanied Child	Railway Personnel	Unaccompanied Child	Total Pedestrians	Pedal cycles
Saturday	12-Jul-13	327	78	0	0	10	88	13
Sunday	13-Jul-13	255	95	2	0	2	99	4
Monday	14-Jul-13	357	71	5	0	0	76	6
Tuesday	15-Jul-13	364	92	3	0	0	95	2
Wednesday	16-Jul-13	361	82	0	0	0	82	3
Thursday	17-Jul-13	367	82	0	12	0	94	11
Friday	18-Jul-13	369	93	1	0	0	94	0
Saturday	19-Jul-13	324	100	0	0	0	100	0
Sunday	20-Jul-13	245	84	3	0	0	87	13
Highest		369	100	5	12	10	100	13
7 day average		342	86	2	2	1	90	5
Weekday average		364	84	2	2	0	88	4

2016 User Census

Pedestrian census		Totals per day										
Site 35 - Copmanthorpe No 2		Adult	Accompanied Child	Unaccompanied Child	Elderly	Impaired	Wheelchair	Pushchair/ Pram	Scooter	Railway Personnel	Pedal cycles	Total
Day												
Saturday	03-Sep-16	33	2	0	0	0	0	0	0	0	0	35
Sunday	04-Sep-16	32	8	0	0	0	0	0	0	13	0	53
Monday	05-Sep-16	37	3	0	0	0	0	0	0	0	0	40
Tuesday	06-Sep-16	29	4	0	0	0	0	0	0	0	0	33
Wednesday	07-Sep-16	34	0	0	0	0	0	0	0	0	0	34
Thursday	08-Sep-16	59	0	0	0	0	0	0	0	2	0	61
Friday	09-Sep-16	30	4	0	0	1	0	0	0	0	0	35
Saturday	10-Sep-16	48	2	0	1	0	0	0	0	7	0	58
Sunday	11-Sep-16	54	5	0	0	0	0	0	0	0	2	61
Highest		59	8	0	1	1	0	0	0	13	2	61
7 day average		39	3	0	0	0	0	0	0	2	0	44
Weekday average		38	2	0	0	0	0	0	0	0	0	41

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2021 User Census

Adult	Accompanied Child	Railway Personnel	Unaccompanied Child	Accompanied Child in Pushchair	Wheelchair / Mobility Chair Users	Cyclist	Dismounted Cyclist	Total
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9th October 2021	44	4	2	0	0	0	0	0	50
10th October 2021	63	6	2	2	0	0	0	0	73
11th October 2021	36	0	0	0	0	0	0	4	40
12th October 2021	26	0	4	0	0	0	0	0	30
13th October 2021	55	0	0	0	0	0	0	0	55
14th October 2021	61	6	0	2	0	0	0	0	69
15th October 2021	48	2	0	0	0	0	0	2	52
16th October 2021	30	22	0	5	0	0	0	0	57
17th October 2021	26	11	0	0	0	0	0	1	38
	389	51	8	9	0	0	0	7	464

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Appendix 4 Copmanthorpe Schedule of Land and Rights

Plot No	Freehold Owners	Current Land Use	Acquisition		Purpose				Explanation (permanent)	Explanation (temporary)
			Permanent Acquisition	Temporary Possession/Use	Protective Works Only	Maintenance Access	Placing permanent infrastructure	Construction Activities & Mitigation Works		
1	Unknown City of York Council (in respect of public adopted highway (A1036)) Gerald White (in respect of subsoil) Stephen William White (in respect of subsoil)	Public adopted highway(A1036) and verge to the north of Bond Hill Ash Farm and east of Pike Hills Golf Course in the parishes of Copmanthorpe and Askham Bryan.		Yes				Yes		Access for Construction
2	City of York Council (in respect of public adopted highway (A1036)) Gerald White Stephen William White	Public adopted highways (A1036), track and verge to the north of Bond Hill Ash Farm and east of Pike Hills Golf Course in the parish of Copmanthorpe.		Yes				Yes		Access for Construction
3	City of York Council (in respect of public adopted highway (A1036))	Public adopted highways (A1036), track and verge to the north of Bond Hill Ash Farm and east of Pike Hills Golf Course in the		Yes				Yes		Access for Construction

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			Acquisition		Purpose					
Plot No	Freehold Owners	Current Land Use	Permanent Acquisition	Temporary Possession/Use	Protective Works Only	Maintenance Access	Placing permanent infrastructure	Construction Activities & Mitigation Works	Explanation (permanent)	Explanation (temporary)
	Stephen William White	parish of Copmanthorpe.								
4	Stephen William White	Track, agricultural land and hedgerow to the south of public adopted highway (A1036) and to the west of Bond Hill Ash Farm in the parish of Copmanthorpe.		Yes				Yes		Access for Construction
5	Unknown Stephen William White (in respect of adjoining landowner). Network Rail Infrastructure Limited (in respect of adjoining landowner).	Hedgerow to west of Bond Hill Ash Farm and east of Pike Hills Golf Course, in the parish of Copmanthorpe		Yes				Yes		Access for Construction
6	National Highways Limited	Track and verge to the south of public adopted highway (A1036) and north of public adopted highway (A64) in the parish of Copmanthorpe.		Yes				Yes		Access for Construction
7	Network Rail Infrastructure Limited	Scrubland and fence line to the east of Railway Line (East		Yes				Yes		Access for Construction

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Plot No	Freehold Owners	Current Land Use	Acquisition		Purpose				Explanation (permanent)	Explanation (temporary)
			Permanent Acquisition	Temporary Possession/Use	Protective Works Only	Maintenance Access	Placing permanent infrastructure	Construction Activities & Mitigation Works		
		Coast Mainline) and north of public adopted highway (A64) in the parish of Copmanthorpe.								
8	National Highways Limited	Wooded highway embankment to the north of public adopted highway (A64) and south west of Bond Hill Ash Farm, in the parish of Copmanthorpe.		Yes				Yes		Access for Construction
9	National Highways Limited	Track to the north of public adopted highway (A64) and to the south west of Bond Hill Ash Farm, in the parish of Copmanthorpe.		Yes				Yes		Access for Construction
10	National Highways Limited	Track beneath the bridge carrying public adopted highway (A64) to the south of public adopted highway (A1036) and to the east of Railway Line (East Coast Mainline) in the parish of Copmanthorpe.		Yes				Yes		Access for Construction
11	National Highways Limited	Track and verge to the south of public adopted highway (A64) and to the east of Railway Line (East Coast		Yes				Yes		Access for Construction

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Plot No	Freehold Owners	Current Land Use	Acquisition		Purpose				Explanation (permanent)	Explanation (temporary)
			Permanent Acquisition	Temporary Possession/Use	Protective Works Only	Maintenance Access	Placing permanent infrastructure	Construction Activities & Mitigation Works		
		Mainline), in the parish of Copmanthorpe.								
12	National Highways Limited	Track and verge to the south of public adopted highway (A64) and to the east of Railway Line (East Coast Mainline), in the parish of Copmanthorpe.		Yes				Yes		Access for Construction
13	Network Rail Infrastructure Limited	Scrubland and fence line to the east of Railway Line (East Coast Mainline) and to the south of public adopted highway (A1036), in the parish of Copmanthorpe.		Yes				Yes		Access for Construction
14	National Highways Limited	Track and verge to the south of public adopted highway (A64) and east of Railway Line (East Coast Mainline) in the parish of Copmanthorpe		Yes				Yes		Access for Construction
15	Stephen William White	Agricultural land, track and drain to the east of Railway Line (East Coast Mainline) and south of public adopted highway (A64) in the parish of Copmanthorpe.		Yes				Yes		Access for Construction
16	Stephen William White	Agricultural land, hedgerow, treeline and track to the east of		Yes				Yes		Site Compound

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			Acquisition		Purpose					
Plot No	Freehold Owners	Current Land Use	Permanent Acquisition	Temporary Possession/Use	Protective Works Only	Maintenance Access	Placing permanent infrastructure	Construction Activities & Mitigation Works	Explanation (permanent)	Explanation (temporary)
		Railway Line (East Coast Mainline) and north of Yorkfield Lane (track) in the parish of Copmanthorpe.								
17	Gerald White	Agricultural land, track, hedgerow and drains, to the east of Railway Line (East Coast Mainline) and north of Fletcher's Croft, in the parish of Copmanthorpe.		Yes				Yes		Site Compound
18	David Brewster	Agricultural land and hedgerow, to the east of Railway Line (East Coast Mainline) and north of Fletcher's Croft, in the parish of Copmanthorpe		Yes				Yes		Working Site
19	Stephen William White	Agricultural land, hedgerows and tree rows, to the south of public adopted highway (Tadcaster Road) and east of public adopted highway (Bowyers Close) in the parish of Copmanthorpe.		Yes				Yes		Access for Construction
20	Stephen William White	Agricultural land and hedgerows to the south of public adopted highway (Tadcaster		Yes				Yes		Site Compound

The Network Rail (Copmanthorpe No. 2 Level Crossing) (Land acquisition and Closure) Order

Statement of Case NR11

June 2023

Plot No	Freehold Owners	Current Land Use	Acquisition		Purpose				Explanation (permanent)	Explanation (temporary)
			Permanent Acquisition	Temporary Possession/Use	Protective Works Only	Maintenance Access	Placing permanent infrastructure	Construction Activities & Mitigation Works		
		Road) and east of public adopted highway (Bowyers Close) in the parish of Copmanthorpe								
21	Unknown Stephen William White (in respect of adjoining landowner) City of York Council (in respect of restricted byway)	Restricted byway (Yorkfield Lane (track)) to the north of public adopted highway (Whistler Close) and west of Railway Line (East Coast Mainline) in the parish of Copmanthorpe.		Yes				Yes		Site Compound
22	Gerald White	Agricultural land, track, hedgerow and drain, to the east of Railway Line (East Coast Mainline) and north of Fletcher's Croft, in the parish of Copmanthorpe.		Yes				Yes		Working Site
23	Gerald White	Track and hedgerow to the east of Railway Line (East Coast Mainline) and north of Fletcher's Croft, in the parish of Copmanthorpe.	Yes				Yes	Yes	Construction of the Development	

The Network Rail (Copmanthorpe No. 2 Level Crossing) (Land acquisition and Closure) Order

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June 2023

Plot No	Freehold Owners	Current Land Use	Acquisition		Purpose				Explanation (permanent)	Explanation (temporary)
			Permanent Acquisition	Temporary Possession/Use	Protective Works Only	Maintenance Access	Placing permanent infrastructure	Construction Activities & Mitigation Works		
24	Stephen William White City of York Council (in respect of public adopted highway)	Entryway forming public adopted highway (Tadcaster Road) to the south of public adopted highway (A64) and north west of Yorkfield Lane (track) in the parish of Copmanthorpe		Yes				Yes		Access for Construction
25	Not Used	Not Used								
26	Stephen William White	Agricultural land and hedgerows to the south of public adopted highway (Tadcaster Road) and east of public adopted highway (Bowyers Close) in the parish of Copmanthorpe.	Yes				Yes	Yes	Construction of the Development	
27	Stephen William White	Agricultural land and hedgerow to the east of Railway Line (East Coast Mainline) and north of Yorkfield Lane (track) in the parish of Copmanthorpe.	Yes				Yes	Yes	Construction of the Development	
28	Unknown Stephen William White (in respect of adjoining landowner)	Restricted byway (Yorkfield Lane (track)) to the north of public adopted highway (Whistler Close) and west of Railway Line (East Coast Mainline)	Yes				Yes	Yes	Construction of the Development	

The Network Rail (Copmanthorpe No. 2 Level Crossing) (Land acquisition and Closure) Order

Statement of Case NR11

June 2023

			Acquisition		Purpose					
Plot No	Freehold Owners	Current Land Use	Permanent Acquisition	Temporary Possession/Use	Protective Works Only	Maintenance Access	Placing permanent infrastructure	Construction Activities & Mitigation Works	Explanation (permanent)	Explanation (temporary)
	City of York Council (in respect of restricted byway)	in the parish of Copmanthorpe.								