



TRANSPORT AND WORKS ACT 1992

Transport and Works (Inquiries Procedures) Rules 2004

**THE NETWORK RAIL (LEEDS TO MICKLEFIELD
ENHANCEMENTS) ORDER**

Appendices to Public Rights of Way Proof of Evidence

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The Network Rail TRU TWAO Application



Ref	Description
CD 6.30 Appendix 1	Charfield 8 Bridge or Tunnel Order Review
CD 6.30 Appendix 2	Highroyds Wood Temporary Traffic Regulation Order

Charfield 8 Bridge and Tunnel Order 2017

The Secretary of State for Transport has considered whether it is appropriate to commission a Bridge and Tunnel Order providing for the installation of a bridge or tunnel at Charfield 8 (Public Footpath OCH 8) in South Gloucestershire, England.



Figure 1: Charfield 8 (Public Footpath OCH 8) Level Crossing, South Gloucestershire.

Introduction

1. Charfield 8 (Public Footpath OCH 8) is a temporarily closed level crossing located in a semi-rural area of South Gloucestershire (not to be confused with a replacement crossing 240m to the north). This is a four track crossing that does not currently comply with sighting restrictions and cannot be made compliant without significant permanent speed restrictions. The recorded number of trains using the tracks each day is 108, which have an average speed of 90mph.
2. Charfield 8 (Public Footpath OCH 8) was first identified as a hazardous level crossing in 2006, when the issue of safety at the site was raised by a local Councillor. In 2010 Network Rail consulted South Gloucestershire Council regarding a proposed increase in line speeds and carried out a subsequent safety audit. It was found that sighting for pedestrians for oncoming trains was restricted by track curvature, particularly south of the crossing and at the Wooton Road Overbridge. Sighting distances at the crossing range from 462m to 268m, whereas the minimum distance should be 596m, as specified in Office for Rail and Road (ORR) guidelines. The crossing was deemed to subject the public to an unacceptable level of risk and was temporarily closed by Network Rail in September 2012. This closure will remain in force until at least 26 April 2018 and the crossing is not scheduled to reopen thereafter unless safety concerns are addressed.

3. Alternative solutions, including a diversion from the current crossing, have been considered. A Diversion Order was made by South Gloucestershire Council, asking for permission to divert the existing route to a safer crossing 240m to the north. This was made under section 119A of the Highways Act 1980 and section 53A(2) of the Wildlife and Countryside Act 1981. Mr Martin Elliot (Inspector) was asked by the Secretary of State for Environment, Food and Rural Affairs to inspect the crossing and considered the alternative route to be unsatisfactory. He concluded that the alternative crossing does not satisfy accessibility requirements. He was also concerned that some members of the public, namely the elderly and disabled, would be excluded from using the crossing, since the alternative path is 308m longer than the existing crossing and involves an ascent and descent of an 11m embankment via two flights of steps. In turn a recommendation for the matter to be referred to the Secretary of State for Transport was made, for the consideration of a Bridge and Tunnel Order at Charfield 8 (Public Footpath OCH 8).

Transport and Works Act 1992 (The 1992 Act)

4. On 2 August 2017, a notification to the Secretary of State for Transport was issued by the Planning Inspectorate under section 48(4) of the Transport and Works Act 1992, requesting that the Secretary of State consider a Bridge and Tunnel Order at Charfield 8 (Public Footpath OCH 8). Section 48 of the 1992 Act allows the Secretary of State to make an Order requiring the railway operator (Network Rail) to provide a bridge or tunnel within two years of any relevant application. Circular 1/94 provides guidance that section 48 should be used when an inquiry inspector concludes that:
 - The existing crossing is unsafe;
 - It cannot reasonably be practical to make the crossing safe;
 - There is a need for the crossing.
5. The Secretary of State for Transport recognises that the conditions have been met for referral to him for a decision.

Safety

6. Risk Assessments carried out by Network Rail (as the duty holder) indicate that the current crossing cannot be reopened without significantly reducing train speeds. Hard census data recording the daily usage of Charfield 8 (Public Footpath OCH 8) is limited, since Network Rail did not carry out any camera surveys at this location before temporary closure in September 2012. Network Rail's estimated censuses between 2007 and 2011 put usage at anywhere **between 6 and 20 people per day**. Network Rail conducted a 9 day camera survey at the alternative crossing 240m to the north from Saturday 12th December 2015 to Sunday 20th December 2015, recording an average of 11 daily users. This seems to indicate that the number of pedestrians crossing at this section of track in the immediate area is close to the estimated range of 6 to 20 daily users at Charfield 8 (Public Footpath OCH 8) and would be regarded as a low use crossing. If the crossing were to reopen, Network Rail would consider Charfield 8 (Public Footpath OCH 8) to have an extremely high individual risk component, due to the risk associated with the crossing, albeit a moderate collective risk component, because of the low number of daily users.

7. The construction of a bridge or tunnel would reduce all level crossing risks. However, the Secretary of State for Transport has to consider this proposal in line with his responsibility to adhere to *Managing Public Money* and to direct funds proportionately to the crossings most in need of risk reduction. Network Rail estimates the cost of a footbridge to be approximately £1.2M, while a proposed subway tunnel would be £5M. It has been noted that a proposed stepped footbridge would still not comply with accessibility requirements, which was the basis for the objection of the alternative route. This is because there would need to be ramps for wheelchair users, which taken into account, would raise the cost of a bridge to £3.3M.

Convenience

8. User convenience would not necessarily be enhanced at the crossing if a bridge or tunnel were constructed, unless further modifications were made as stated in paragraph 7. There are a number of people with access requirements who would remain excluded from using the crossing. If ramps were not included, this would not satisfy Network Rail's obligations towards those with protected characteristics under section 149 of the Equality Act 2010.
9. The Diversity Impact Assessment dated December 2016 noted that prior to closure, neither the existing crossing nor the alternative crossing, were being used by vulnerable users (mobility impaired pedestrians, pedestrians with prams or young children, dogs or heavy bags, or cyclists). It would seem that the length of unmade approach and the style of it made the route unpopular with mobility impaired users. This implies that an additional ramp and further improvements to the footpath to make it accessible would have to be considered within the proposals at Charfield 8 (Public Footpath OCH 8) if the changes were to provide benefits to vulnerable and less mobile users.
10. The Secretary of State for Transport has examined Mr Christopher Dunn's claim that Charfield 8 (Public Footpath OCH 8) is reasonably flat and commodious for all highway users, especially the disabled. This conflicts with Network Rail's assessment of the path leading up to the crossing. The findings of Network Rail's Diversity Impact Assessment conducted in December 2016 indicate that the topography does not lend itself to use by those who have difficulty walking.
11. Additional land would need to be purchased to construct the new bridge (either by private treaty or compulsory powers) and temporary use of lands will also be needed during the construction phase.
12. The Secretary of State for Transport has noted these findings.

Views of Interested Parties

13. The Secretary of State for Transport has noted that two representations were received during the statutory consultation period, both of whom were in support of the order:

In support of the Order:

14. Mr Christopher Dunn asserts that it is practicable to make the crossing safe by a tunnel or via a stepped or ramped bridge.

15. Mr John Acton supports the proposal for a bridge on or near the position of the existing Charfield 8 (Public Footpath OCH 8) crossing of the railway and considers that it would be a practical cost effective solution to the problem of safety on the footpath.

Timing

16. The Secretary of State for Transport notes that the bridge and tunnel order under proposal here was issued on 2 August 2017 and can therefore be accepted for consideration, as the deadline for this Order to be considered is 2 August 2019.

Decision

17. After careful consideration, the Secretary of State has decided to **reject** a bridge and tunnel order for Charfield 8 (Public Footpath OCH 8). The Secretary of State recognises that while the construction of a bridge or tunnel would reduce user risk associated with this crossing, the investment would be disproportionate to the realised benefits, given the limited number of individuals affected. The Secretary of State notes that while the closure of Charfield 8 (Public Footpath OCH 8) remains in force and the alternative crossing remains open, the majority of hazards associated with crossing this section of track have been negated. Given these points, the cost of delivering a programme of a bridge or tunnel would potentially breach the responsibility of Network Rail to manage public money, while also generating disruption for local residents during the construction phase.

18. The Secretary of State for Transport recommends that Network Rail as the crossing operator and South Gloucestershire Council as the local traffic authority make improvements to the path leading up to the alternative pathway, in order to address concerns related to accessibility. Assuming Charfield 8 (Public Footpath OCH 8) is to remain closed, then appropriate barriers and signs should be erected so as to secure the crossing from public access.

19. In reaching this decision, the Secretary of State for Transport has noted:

- The purpose of a bridge or tunnel at this site would be to deliver a safer and accessible means of crossing the railway. Any implementation should include consideration of section 149 of the Equality Act 2010, which highlights the duty of Network Rail to make provisions for protected users. In addition, the project should meet Network Rail's responsibility as a government-funded body to manage public money.
- The Secretary of State for Transport does not consider that the construction of a bridge or tunnel would be a justifiable use of public money, given the low levels of previous usage and the presence of an alternative path nearby, which is considerably safer than the closed crossing.
- It has been noted that the route itself was never used by vulnerable people prior to closure. This does not support the original objection to the alternative route, which was based on accessibility needs.
- The current crossing is considered extremely high risk for use by the public. However, this risk is considered to have been negated by its temporary closure,

which will remain in force by Network Rail unless a case is made that shows the crossing has been made safe (26 April 2018).

- The Council has not received any complaints regarding the closure of the existing crossing. There have been no reported incidents of near misses or other incidents or misuse whilst the crossing was open.
- Network Rail is considering proposals to make the alternative crossing more accessible. The alternative route is considered no less inaccessible, but is safer than the current crossing.

The Secretary of State for Transport is grateful to those who have made representations which have assisted him in making his decision.

Made by authority of the Secretary of State for Transport this 1st day of December 2017.



Jeremy Hotchkiss

Deputy Director, Rail Industry Competitiveness, Department for Transport



**ROAD TRAFFIC REGULATION ACT 1984 – SECTION 14(1)
LEEDS CITY COUNCIL
MICKLEFIELD DEFINITIVE FOOTPATH NUMBER 7
(HIGH ROYDS CROSSING) LEEDS
(TEMPORARY PROHIBITION OF USE) ORDER 2023**

NOTICE IS HEREBY GIVEN that due to public safety concerns, Leeds City Council has today made an Order, the effect of which is as follows:-

No person shall proceed along Micklefield Definitive Footpath Number 7; where it meets High Royds railway crossing.

DIVERSIONARY ROUTE:

A Diversionary route for pedestrians affected by the closure will be available via: Micklefield Definitive Footpath No.7; No.1; No.3, to Great North Road, heading south to Micklefield Definitive Footpath No.7, and vice versa.

The Order is intended to operate:

1. From 00:00 hours on Friday 15th September 2023 for a period of 6 months or until the works are completed, whichever is earlier.

All communications with regard to this Notice should be addressed to Highways & Transportation, for the attention of Mr G Pugh quoting reference: TC10007 or site contact Rachel Tyrer (LiabilityNegotiationsLNEEM@networkrail.co.uk)

Dated this 15th September 2023

Leeds City Council
Civic Hall,
Leeds
LS1 1UR