

Cabinet

Dorset County Council



Date of Meeting	4 April 2018
<p><u>Cabinet Member(s)</u> Daryl Turner – Cabinet Member for Natural and Built Environment</p> <p><u>Local Member(s)</u> Beryl Ezzard – County Councillor for Wareham</p> <p><u>Lead Director(s)</u> Mike Harries – Corporate Director for Environment and Economy</p>	
Subject of Report	Future of Wareham Foot Crossing
Executive Summary	<p>A report was presented to cabinet on 26 October 2016 recommending that funds are made available to progress with the design and construction of 1:12 gradient ramps connecting the highway to the existing over track footbridge crossing at Wareham Railway Station.</p> <p>Upon completion of the scheme it was recommended that Cabinet should agree to relinquish the permissive level crossing rights on the grounds of the current arrangements being a safety concern and unsustainable.</p> <p>The decision was taken by cabinet to progress as per recommendations.</p> <p>DCC have progressed the design solution for ramps connecting the highway to the existing over track footbridge at Wareham Railway Station. Network Rail have offered their support for the scheme and officers from both organisations have been working together to develop a feasible solution.</p> <p>In November 2017 applications were made to Dorset County Council and Purbeck District Council planning authorities for planning permission and listed building consent respectively.</p> <p>Prior to submission of the planning and listed building applications Network Rail wrote to DCC to confirm refusal of consent would not prevent the existing pedestrian level crossing from closing, and following this Network Rail will not provide an alternative form of step free access.</p> <p>Network Rail also stated that the funding available to support the design and construction of ramps expires in March 2019.</p> <p>There is local opposition to the proposed scheme from Wareham Town Council and the voluntary group the Wareham Town Trust. Of those local residents who have stated an opinion a majority have expressed their desire to keep the existing level crossing open. This was noted at a public exhibition held by DCC</p>

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	<p>and a public meeting held by Wareham Town Council, attended by 300 residents in July 2017</p> <p>On 31 January 2018 Purbeck District Council's Planning Committee decided to refuse the application for listed building consent for the scheme against the advice of their officers and despite no objection being raised by Historic England. This has resulted in the planning permission application made to Dorset County Council being put on hold whilst the project team seek confirmation of the future direction of the project from cabinet members.</p> <p>Following the refusal of listed building consent by Purbeck District Council Network Rail has re-iterated its position on Wareham Foot Crossing. Network Rail has stated that an automated barrier solution for the crossing is not a feasible solution. Automated barriers are not used by Network Rail for pedestrian only crossings and there is no current solution in existence or under development that could be used at Wareham.</p> <p>As the crossing is a private permissive footpath, and not a public level road crossing, Network Rail has stated it does not have an obligation to install any control measures at Wareham Foot Crossing.</p> <p>The Office for Rail and Road (ORR), the independent safety and economic regulator for Britain's railways, and Network Rail completed a joint visit of the site in March 2018. Whilst the ORR cannot comment directly on the future of Wareham Foot crossing, it has stated that if practical, level crossings should be replaced by bridges, underpasses or diversions.</p> <p>It is recommended that DCC continue with the process of application for planning permission for the proposed scheme. If planning consent is granted by regulatory committee it is recommended that DCC re-apply for listed building consent, or appeal the refusal decision made by Purbeck District Council on 31 January 2018.</p> <p>If listed building consent is subsequently granted, it is recommended that DCC continue to fund, the design and construction of the proposed ramps. This is provided that Network Rail continues to jointly fund the project.</p>
<p>Impact Assessment:</p>	<p>Equalities Impact Assessment:</p> <p>A full EQIA assessment was completed for the proposed scheme in September 2017. The assessment was completed considering the scenario where the existing level crossing is permanently closed, with the objective of determining if there is a need for future pedestrian step free access over, under or across the railway line at Wareham Railway Station. The assessment determined that there was a need for step free access, and that ramps are the most suitable solution.</p> <p>The overall impact of the proposed scheme on users with protected characteristics was deemed to be positive. The exception to this result is unassisted wheelchair users within the disability group, where the impact was undetermined.</p> <p>To consider how often the proposed ramps would serve as step free access for unassisted wheelchair users a survey of existing pedestrian level crossing use was completed in January 2018. Over a seven-day continuous period no users of unassisted wheel chairs were recorded. Although this does not alter the undetermined impact on unassisted wheelchair users, the frequency of use by this disability group is very low.</p>

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	<p>Use of Evidence:</p> <ul style="list-style-type: none">• August 2017 Letter from Network Rail to DCC• January 2018 Survey Results for existing Level Crossing use.• Wareham Access Ramps EQIA• Letter from Rail Investigation Accident Branch to Network Rail 2012• Office of Rail and Road Letter to Network Rail March 2018• Network Rail correspondence on Wareham Foot Crossing• Evidence previously provided for item 8 of the 24 February 2016 DCC Cabinet report.• Evidence previously provided for item 9 of the 26 October 2016 DCC Cabinet report.
	<p>Budget:</p> <p>The current estimated budget for the design and construction of the proposed access ramps is £1.7million, including a 40% optimism bias. The cost would be jointly funded by DCC Capital expenditure and Network Rail. The percentage contribution by each party and commercial arrangement are to be agreed.</p> <p>The existing arrangement for management of the level crossing is funded by DCC revenue expenditure and costs approximately £120,000 per year. The maximum length of time the crossing could remain open for is up to the year 2038, which would lead to a potential DCC revenue expenditure of £2.423 million, based on current prices.</p> <p>DCC expenditure on the ramps scheme to date is approximately £63,000.</p>
	<p>Risk Assessment:</p> <p>Two risk assessments have been produced, one assessing risk associated with use of the existing level crossing and the other assessing the risks associated with use of the proposed ramp scheme.</p> <p>When assessing the risks associated with the use of the existing level crossing, DCC are recognised as a duty holder in accordance with the 1974 Health and Safety at Work Act.</p> <p>DCC currently procure the services of a security company who employ attendants at the crossing. Attendants control pedestrian use of the crossing by lockable electronic gate between the hours of 0600-0100. In 2012, the Rail Investigation Accident Branch wrote to Network Rail stating they had concerns about the current management of the crossing by attendants.</p> <p>The current health and safety risk to DCC, due to a serious incident occurring at the level crossing is HIGH.</p> <p>The current level of financial, reputational and strategic risk to DCC, due to a serious incident occurring at the level crossing is MEDIUM.</p>

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	<p>The current reputational and strategic risk to DCC, due to an immediate closure of the level crossing by order of the Office for Rail and Road is MEDIUM.</p> <p>The current financial risk to DCC, due to continued management of the level crossing up to the expiry of permissive rights is MEDIUM.</p> <p>Network Rail have stated that if an automated barrier solution was feasible at Wareham it would not mitigate the risk of a serious incident at the crossing as far as reasonably practical.</p> <p>The introduction of new step free access connecting the highway to the existing over track footbridge at Wareham Railway Station will allow DCC to relinquish permissive rights for use of the level crossing earlier than 2038. In its place, a permanent public right of way will be established over the ramps and footbridge. The level crossing will be permanently closed and all risk associated with its use will be eliminated.</p> <p>The health and safety, financial and reputational risk to DCC associated with the use and operation of proposed ramp structures is LOW.</p> <p>Other Implications:</p> <p>The closure of the existing level crossing without an alternative form of step free access will mean that there is no pedestrian step free access linking the areas of Northport to Wareham Town Centre. Approximately 20% of users of the crossing (based on survey results) require step free access. The closure of the crossing could lead to an increase in small vehicle journeys from Northport to Wareham Town Centre and vice versa.</p> <p>The existing foot crossing is frequently used by cyclists. Closure of the foot crossing will mean cyclists would have to carry their bike over the existing station footbridge, or cycle along the A351 flyover to cross the railway line.</p>
<p>Recommendation</p>	<p>That the Cabinet approves the following:</p> <p>(i) The County Council continue the process of application for planning consent for the proposed Wareham Access Ramps.</p> <p>(ii) If planning consent is granted, the County Council then re-apply for listed building consent for the proposal, and/or appeal the decision made to refuse consent by Purbeck District Council.</p> <p>(iii) If listed building consent is subsequently granted, the County Council continue to fund, jointly with Network Rail, the detailed design and determine a target price for construction of the proposed ramps through Dorset Highways Strategic Partnership with Hansons.</p> <p>(iv) Subject to the necessary consents, that on agreement of funding arrangements for the scheme with Network Rail and determination of the target price, a further report be submitted to cabinet to approve the County Council's required financial contribution towards the delivery of the scheme.</p>
<p>Reason for Recommendation</p>	<p>To provide a safe, permanent, sustainable form of step free pedestrian access over the railway line, connecting Northport to Wareham Town Centre.</p> <p>To provide an uninterrupted form of pedestrian step free access over the railway line that is not closed intermittently by live railway operations.</p>

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	<p>To eliminate the health and safety, financial, reputational and strategic DCC managed risks associated with pedestrian use of the current level crossing.</p> <p>To achieve a revenue saving of £2.423 million (at current prices) over nineteen years. This saving is equal to the total cost of providing attendants at the crossing up to the expiry of permissive rights agreements.</p>
Appendices	<p>Appendix 1: Risk Register - Wareham Foot Crossing</p> <p>Appendix 2: Risk Register - Proposed Access Ramps</p> <p>Appendix 3: Proposed Scheme Visualisations</p> <p>Appendix 4: Wareham Access Ramps EQIA</p> <p>Appendix 5: January 2018 Level Crossing Survey Results</p> <p>Appendix 6: Purbeck District Council - 31 January 2018 Planning Meeting Minutes</p> <p>Appendix 7: Network Rail Supporting Letter (August 2017)</p> <p>Appendix 8: Network Rail Report March 2018</p> <p>Appendix 9: Office of Rail and Road Letter to Network Rail March 2018</p>
Background Papers	<p>Level Crossings: A guide for managers, designers and operators (2011)</p> <p>Cabinet Report -February 24, 2016</p> <p>(http://dorset.moderngov.co.uk/ieListDocuments.aspx?CId=137&MID=194#AI1331g)</p> <p>Cabinet Report - October 26, 2016</p> <p>(http://dorset.moderngov.co.uk/documents/g201/Public%20reports%20pack%2026th-Oct-2016%2010.00%20Cabinet.pdf?T=10)</p>
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1. Background

- 1.1 For details on the lease arrangement, safety history, and legal history of Wareham pedestrian level crossing please refer to sections 1.1 to 1.14 of Item 8 of the 24 February 2016 Cabinet Report.
- 1.2 The 24 February 2016 cabinet report presented possible options for the future of Wareham Foot Crossing, including maintaining the status quo, upgrading the level crossing, constructing new ramps connecting to existing Network Rail footbridge or providing a footway cycleway over the A351 road bridge. A decision on the future of the crossing was deferred pending further investigation of options.
- 1.3 The 26 October 2016 Cabinet report recommended that DCC design and construct new 1:12 access ramps connecting to the existing Wareham Railway Station footbridge. On completion of the proposed scheme it was recommended that DCC extinguish current permissive rights over the crossing, so it can be closed permanently. The cabinet took the decision to progress the scheme as per recommendations.
- 1.4 At present DCC procure the service of a private security company who employs attendants to control pedestrian use of the existing level crossing. The attendants control lockable gates that prevent access to the rail track prior to the arrival or departure of a train at Wareham Railway Station. The attendants are in place from 0600 hours to 0100 hours seven days a week at a revenue cost of £120k p.a. Outside of attendant hours the crossing is closed, preventing public access. This is also the case if the duty attendant is called away for a personal needs break or any other reason.

2. Proposed Scheme Design

- 2.1 From October 2016 to January 2018 DCC have worked on developing the design for access ramps that connect the highway to the existing railway station footbridge over the railway line.
- 2.2 The proposed solution is 1 in 12 gradient access ramps on the north and south side of the railway line at Wareham Railway Station. The ramps provide step free access from existing highway footway level to the deck of the existing Network Rail footbridge. The solution requires new openings to be cut into the existing footbridge eastern parapet to provide access from the ramps to the footbridge deck. Refer to Wareham Access Ramps Visualisations for images.
- 2.3 Prior to the commencement of the design of the project Network Rail wrote to DCC to confirm their support for a 1 in 12 gradient ramp solution connecting to their existing footbridge.
- 2.4 DCC have worked with Network Rail technical staff, the Highway Works Term Service Contract Supply Chain and an external consultant with rail expertise to ensure the proposed scheme is constructible and will not affect the running of the railway.
- 2.5 An application for planning permission was submitted by Dorset Highways, the applicant, and registered by Dorset County Council planning authority on 14 November 2017.

- 2.6 An application for listed building consent was submitted by Dorset Highways, the applicant, and registered by Purbeck District Council planning authority on 6 November 2017.

3. Public Consultation and Local Objection

- 3.1 A public exhibition for the proposed scheme was held on the 11 July 2017 at Wareham Town Hall. This presented visualisation of the proposed scheme and plan layouts. The event was attended by over 100 people.
- 3.2 Members of the public who attended the event were offered the opportunity to complete comment forms. Most comment forms received stated a desire to keep the level crossing open. Some comment forms, approximately 20%, were in favour of the proposed scheme.
- 3.3 On 21 July 2017 Wareham Town Council held a public meeting to discuss the proposed scheme and future of the Wareham pedestrian level crossing. Local opinion towards the scheme at the meeting was negative with a desire to maintain the existing level crossing.

4. Equalities Impact Assessment (EQIA)

- 4.1 The EQIA for the proposed scheme has been completed considering the scenario where the existing permissive rights for the foot crossing have expired, and the crossing is closed.
- 4.2 The assessment considers the different pedestrian users of the highway network that require step free access to travel. It was determined that some users who require step free access can be attributed to the protected characteristic groups of disability, age and pregnancy and maternity.
- 4.3 To assess if ramps are a suitable form of step free access for users attributed to a protected characteristic, similar forms of existing ramp structures were reviewed. In Dorset, 1 in 12 highway pedestrian ramps are in operation in Weymouth and on the Christchurch Bypass near Burton. In January 2017 surveys were completed at the ramps near Burton confirming the ramps were used by people who can be attributed to a protected characteristic. The ramps have been in use for several years and no complaints have been received from users with protected characteristics.
- 4.4 Appendix 5, Part 9 of the 26 October 2016 Cabinet report presented survey results for use of the existing foot crossing at Wareham. These results were used in the EQIA to assess if there is need for step free access over the railway line in Wareham. Of 612 questionnaire survey results, protected characteristics were attributed as follows: 3.6% (21) of users were attributed to age, 4.6% (28) of users were attributed to pregnancy and maternity and 9.8% (60) were attributed to disability. The results justify the case for providing step free access.
- 4.5 The assessment identified that overall, the impact of the scheme on users attributed to a protected characteristic is positive.
- 4.6 Within the disability protected characteristic, the conclusion of the EQIA noted that the impact on the unassisted wheelchair users cannot be determined. To estimate the possible number of unassisted wheelchair users of the ramps a 7-day video survey of the existing foot crossing was completed in January 2018. No unassisted wheelchair users were recorded. Although this does not alter the findings of the EQIA

the survey results show the frequency of use of ramps by people in unassisted wheelchairs is very low.

5. Listed Building Consent Application

- 5.1 On 31 January 2018, the listed building consent application for the proposed scheme was refused by Purbeck District Council's planning committee against the advice of their officers and despite no objection being raised by Historic England
- 5.2 Members of Purbeck District Council planning committee voted 8 against the application and 2 abstained. The minutes of the planning committee meeting stated the following reason for refusal; *"It has not been demonstrated that the significant harm to, and loss of part of, the heritage asset would be outweighed by the public benefits of the proposal and is therefore contrary to National Planning Policy Framework: Section 12 – 47 Conserving and enhancing the historic environment (particularly paragraphs 131, 132, and 133) and policy LHH of the Purbeck Local Plan Part 1."*
- 5.3 On refusal of listed building consent, the applicant for the scheme, Dorset Highways, formally requested that Dorset County Council planning authority place the planning permission application on hold.

6. Network Rail and ORR Current Position

- 6.1 Following the refusal of listed building consent application for the scheme Network Rail have re-iterated their position on the level crossing. Statements on the position of the crossing have been received from Network Rail's Head of Corporate Passenger and Public Safety and level crossing management.
- 6.2 Network Rail have stated that automated barriers, like those at Poole High Street, are not a feasible solution for the future of the foot crossing. Network Rail's head of corporate passenger and public safety, Allan Spence, has stated that the level crossing on Poole High Street is the second riskiest crossing in Britain. The system used at Poole is not a model that would be adopted for Wareham.
- 6.3 Automated barriers are not used at pedestrian only crossings. There is no barrier product under development or in existence that could be used at Wareham Level Crossing to mitigate the risk of a serious injury or fatality as far as reasonably practical.
- 6.4 As the crossing is a private permissive footpath, and not a public level road crossing, Network Rail has stated it does not have an obligation to install any control measures at Wareham Foot Crossing
- 6.5 The Office for Rail and Road wrote to Network Rail in March 2018 following a joint inspection of risk control at Wareham Foot Crossing. In the letter the ORR have stated that if practicable, level crossings should be replaced with bridges, underpasses or diversions.

7. Conclusion

- 7.1 The equalities impact assessment for the proposed ramps scheme has shown that there is a need for a long term sustainable form of step free access over the railway line in Wareham. This will ensure that pedestrian users of the highway network who require step free access can travel to Wareham Town from Northport or vice versa.

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- 7.2 Continued use of Wareham Foot Crossing exposes DCC to a high level of health and safety risk, and a medium financial, strategic and reputational risk.
- 7.3 Continued correspondence from Network Rail confirms that beyond DCCs intent to extend the current permissive agreement to 2038, Wareham foot crossing will close permanently. DCC do not have any power to prevent the crossing from closing at an earlier date if instructed by the ORR.
- 7.4 The continued progression and completion of the DCC designed and constructed access ramps will provide a permanent sustainable form of pedestrian step free access over the railway line at Wareham Railway Station. The subsequent closure of Wareham pedestrian level crossing will eliminate any risk to DCC associated with its use.

Mike Harries
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March 2018