



Cabinet

Minutes of a meeting held at County Hall, Colliton Park, Dorchester,
Dorset, DT1 1XJ on Wednesday, 4 April 2018.

Present:

Rebecca Knox	Leader of the Council
Jill Haynes	Deputy Leader and Cabinet Member for Health and Care
Steve Butler	Cabinet Member for Safeguarding
Deborah Croney	Cabinet Member for Economy, Education, Learning and Skills
Tony Ferrari	Cabinet Member for Community and Resources
Peter Wharf	Cabinet Member for Workforce

Members Attending:

Jon Andrews, County Councillor for Sherborne
Richard Biggs, County Councillor for Dorchester
Hilary Cox, Chairman of the County Council and County Councillor for Winterborne
Beryl Ezzard, County Councillor for Wareham
Katharine Garcia, County Councillor for Portland Tophill
Nick Ireland, County Councillor for Linden Lea
William Trite, County Councillor for Swanage
Kate Wheller, County Councillor for Portland Harbour

Officers Attending:

Debbie Ward (Chief Executive), Grace Evans (Principal Solicitor), Mike Harries (Corporate Director), Jim McManus (Chief Accountant), Nick Jarman (Interim Director for Children's Services) and Lee Gallagher (Democratic Services Manager).

For certain items, as appropriate:

John Burrige (Bridge and Structures Team Leader), Melissa Craven (Communications Lead - Children's Services), Andrew Martin (Service Director - Highways and Emergency Planning) and Peter Scarlett (Estate and Assets Manager).

- (Notes:(1) In accordance with Rule 16(b) of the Overview and Scrutiny Procedure Rules the decisions set out in these minutes will come into force and may then be implemented on the expiry of five working days after the publication date.
Publication Date: **Tuesday, 10 April 2018.**
- (2) These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Cabinet to be held on **Wednesday, 2 May 2018.**)

Apologies for Absence

37 Apologies for absence were received from Cllr Daryl Turner, Jonathan Mair (Head of Organisational Development) and Richard Bates (Chief Financial Officer). Grace Evans (Legal Services Manager) attended for Jonathan Mair and Jim McManus (Chief Accountant) attended for Richard Bates.

Code of Conduct

38 There were no declarations by members of disclosable pecuniary interests under the Code of Conduct.

With reference to minute 42, a general interest was declared by Cllr Peter Wharf in relation to the Future of Wareham Foot Crossing as he was the Chairman of the

Purbeck District Council Planning Committee and had taken part and voted in its consideration of the same matter at a recent meeting. Although this was not a disclosable pecuniary interest Cllr Wharf withdrew from the meeting during consideration of the item and did not vote.

Minutes

39 The minutes of the meeting held on 7 March 2018 were confirmed and signed.

Public Participation

40 Public Speaking

There was one public question received at the meeting regarding the Future of Wareham Foot Crossing (Minute 42) in accordance with Standing Order 21(1). The question and answer are attached as an annexure to these minutes.

There were eleven public statements received at the meeting regarding the Future of Wareham Foot Crossing (Minute 42) in accordance with Standing Order 21(2). One statement was also received in relation to disposal of the former Brackenbury Infant School, Portland (Minute 44). The statements are attached as an annexure to these minutes.

Petitions

There were no petitions received at the meeting in accordance with the County Council's Petition Scheme.

Cabinet Forward Plan

41 The Cabinet considered the draft Forward Plan, which identified key decisions to be taken by the Cabinet on or after the next meeting. It was noted that a Special Educational Needs Plan – Written Statement of Action item would be added to the plan for 13 June, and that although the minutes of the last Cabinet meeting referred to the addition of an item on the Bridport Care Village, this was no longer required.

Noted

Future of Wareham Foot Crossing

42 *(Note: A general interest was declared by Cllr Peter Wharf as the Chairman of the Purbeck District Council Planning Committee and had taken part and voted in its consideration of the same matter at a recent meeting. Although this was not a disclosable pecuniary interest, Cllr Wharf withdrew from the meeting during consideration of the item and did not vote.)*
The Cabinet considered a report by the Cabinet Member for Natural and Built Environment which recommended that funds were 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. Cllr Tony Ferrari, in the absence of Cllr Daryl Turner, introduced the report and summarised the challenges faced in determining a crossing to replace the existing foot crossing in the absence of any other alternatives given the circumstances facing the site in respect of health and safety, technology and funding available until 2019, and the position of Network Rail.

Local member representations were received in relation to the proposals from Cllr Beryl Ezzard and Cllr William Trite. The representations are attached to these minutes as annexures. The views expressed mirrored closely the concerns raised by members of the public, but with the addition of the concerns of the Purbeck Community Rail partnership regarding the impact on the development of services between Wareham and Swanage, and on main line running services if the scheme did not proceed.

There was one public question received at the meeting in accordance with Standing Order 21(1), and eleven public statements in accordance with Standing Order 21(2). The question, answer, and statements are attached as an annexure to these minutes.

The following concerns were expressed at the meeting:

- Structure and visual impact of the proposed ramps;
- Impact of the structure on the existing Grade 2 site, which required listed building consent, which Purbeck District Council had refused;
- Equality Impact Assessment (EqIA), with particular reference to the impact of the proposal on elderly, immobile and disabled;
- The 1:12 gradient of the ramps and the impact on all users including those with disabilities and those who were able bodied, cyclists and use of buggies and pushchairs;
- The health and safety, and risk factor being rated as High when there had never been any incidents at the site;
- The need to cross the bridge for tickets and return to the same platform for trains heading east;
- Suggested alternative of using a controlled barrier or other technology to retain a crossing in its current location;
- Impact on the local heritage of Wareham as an historic Saxon town;
- The economic impact on Wareham in terms of local people using the town's amenities;
- The overwhelming public support for the retention of the existing crossing with barrier control/automation;
- A petition of 50% of Wareham residents was in opposition to the proposed changes;
- Support from Michael Tomlinson MP to the views of the residents of Wareham; and,
- The need to hold any subsequent Regulatory Committee in Wareham.

At this point clarification was provided by officers in respect of Network Rail's view that no alternative non-stepped options would be supported, including a replication of the crossing in Poole Town Centre, or other technologies. It was also confirmed that funding for the scheme could cease in 2019. The representation from Network Rail was described as 'direct and clear' and it was the position of the County Council to try to find way forward to provide a crossing which provided 24 hour uninterrupted access.

Concerns regarding the EqIA were acknowledged and a summary was provided regarding the suitability of the assessment in respect of people with limited mobility and disability. It was accepted that it would not be possible to address all concerns, but it was clarified that the gradient of the ramps at 1:12 was the permitted maximum for highways access. Different regulations would apply if there was only access to the station, and in this instance the maximum ramp gradient would be 1:20.

In respect of risk assessment and health and safety concerns, the approach adopted by the Office for Rail and Road and Network Rail used 'as low as reasonably practicable' methodology which reflected that all pedestrian crossings were inherently unsafe and there was a significant risk associated with pedestrians on the rail track at any time.

Regarding the volume of traffic and the numbers crossing, it was explained that there was a desire to work with the Swanage Rail Company to use both platforms. To enable this to happen train traffic had to switch lines and this would create a more significant risk to the public and much longer waiting times at the existing crossing due to the wider aspiration for a significantly larger volume of traffic at the station. For trains that did not stop at Wareham there remained a concern regarding visibility.

The exploration of alternative options was raised, to which it was clarified that the County Council had spent nine years to try to find an alternative, and that the

definitive view of Network Rail was that there were no alternative level options and there was a clear position to close the crossing at the end of the current lease period. The opportunity to find a solution now was enhanced through the availability of funding to resolve the situation.

The Cabinet acknowledged the difficult decision required, having regard to the strength of feeling from the local communities, but that the County Council needed to take responsibility for the continuation of access across the railway to the station and the highway. The points raised throughout the discussion would be used as a basis of ongoing dialogue, and there would be further opportunities to take part in constructive representation including consideration through the Regulatory Committee (to be held in Wareham) in June 2018, and the potential revisit of Purbeck District Council's Planning Committee decision in respect of the listed buildings application. On being put to the vote the proposals within the Cabinet Member's report were agreed.

Resolved

1. That the County Council continues the process of application for planning consent for the proposed Wareham Access Ramps.
2. That if planning consent was 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.
3. That if listed building consent was subsequently granted, the County Council continued 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.
4. That subject to the necessary consents, that on agreement of funding arrangements for the scheme with Network Rail and the determination of the target price, a further report be submitted to the Cabinet to approve the County Council's required financial contribution towards the delivery of the scheme.

Reason for decisions

To provide a safe, permanent, sustainable form of step-free pedestrian access over the railway line, connecting Northport to Wareham Town Centre.

Residential Homes Options Consultation and the Future Use of Maumbury House Dorchester

- 43 The Cabinet considered a report by the Cabinet Member for Safeguarding on the current position regarding the progress of the consultation and options evaluation regarding the need for Residential Care and the current position regarding the use of Maumbury House, Dorchester. An overview of the wider long term plan regarding provision for looked after children was also provided as context regarding including specialist provision, education, fostering, adoption and social work.

Cllr Richard Biggs, as a local member, addressed the Cabinet to express concerns regarding the closure of Maumbury House. He outlined his experience over many years of providing visits to the home and supporting the looked after children, together with his Corporate Parenting Board experience as the current Vice-Chairman. Concern was raised in respect of the impact on disabilities in the Equalities Impact Assessment which should have regard to young people with Attention deficit hyperactivity disorder (ADHD) and other mental health conditions. A further concern regarding the financial assessment was expressed that it did not take full account of the on-costs of staff and family visits to out of county placements. In respect of the condition of the building it was agreed that it was not fit for purpose, but this did not mean that there were not alternative ways of continuing care in the Dorchester area through the use of capital funding to build a small amount of in-house specialist provision as a centre of excellence.

The cost of out of county placements was discussed by the Cabinet. It was reported that current numbers of placements were less than 30, but these would be significantly complex placements and would therefore have a high cost. Although there was a small amount of specialist provision with colocated education, plans were in place to bring placements back to Dorset where possible. However, there was an emphasis on the important need to provide early intervention and prevention together with identifying and providing therapeutic help.

Although the Cabinet was sympathetic to the views of Cllr Biggs and valued his contribution as a member with lots of experience regarding corporate parenting, it was felt that as Maumbury House did not meet the necessary requirements and was not financially viable it was not sensible to continue. It was therefore agreed that the closure should be approved.

Resolved

1. That the closure of Maumbury House be approved.
2. That Maumbury House be declared surplus to requirements.
3. That officers be instructed to take all steps necessary including staff-related, to complete 1 and 2 above.

Reason for Decisions

1. Maumbury House was no longer viable operationally or financially. The Ofsted judgement had exacerbated this position and key difficulties with recruitment had compounded it.
2. This also meant that the Council could not meet the training and development needs of staff to provide an appropriate level of care which fulfilled the regulatory requirements.
3. Occupancy at the home had reduced steeply since April 2017. For some time it had never exceeded 50% and most recently one person only lived at the home.
4. Nationally the use of Residential care was significantly lower than other care options such as fostering 74% of looked after children placed with foster carers while 11% of children were placed in residential settings (DfE 2016).
5. A period of consultation had been undertaken which was contributing to the overall needs assessment regarding Residential Options and the sufficiency of placement need. The Council was able to use a variety of more flexible appropriate provision via the regional commissioning framework. In addition, other options were being explored to develop more suitable localised provision.
6. The outcome from the consultation should be read in conjunction with the report and informed not only the recommendations contained in the report but additionally the future commissioning needs of the council and the work of the sufficiency strategy group.
7. The consultation outcomes could be seen in the appendices to the report.

Disposal of Former Brackenbury Infant School Site, Fortuneswell, Portland

44 The Cabinet considered a report by the Cabinet Member for Community and Resources which set out a proposal that had been received from Portland Town Council to acquire the former Brackenbury School site at an undervalue.

Local members, Cllrs Katharine Garcia and Kate Wheller fully supported the land disposal to Portland Town Council and thanked members for their recognition of the significant community benefit from the creation of a community hub in the Fortuneswell locality on Portland, and that it would provide the aims of the Community Living and Learning programme.

It was suggested that efforts be made to encourage Portland Town Council to start conversations with the Clinical Commissioning Group (CCG) who had expressed interest in working with partners on Portland as part of its Clinical Services Review.

Cllr Ray Nowak from Portland Town Council addressed the Cabinet to thank members for their consideration to provide a hub to serve the whole community on Portland and confirmed that conversations had started with the CCG.

Resolved

That the use of the County Council's general competence to transfer the former Brackenbury School site at Fortuneswell to Portland Town Council at an undervalue and otherwise on terms to be agreed by the Chief Financial Officer be approved.

Reason for Decision

A well-managed Council ensured that the best use was made of its assets in terms of optimising service benefit, minimising environmental impact and maximising financial return.

Sufficiency of SEND Provision - Capital Requirements

- 45 The Cabinet considered a report by the Cabinet Member for Economy, Education, Learning and Skills which sought to allocate capital funding to support the implementation of a strategy and improve the outcomes and life chances for more children with Special Educational Needs and Disability (SEND) following a review of provision across Dorset which assessed the actual increase in SEND requirements, categories of education, provision and placements over the next five years. Provision would include eight specialist bases in mainstream schools which would primarily focus upon communication. The considerable financial commitment within the Council's capital programme was considered together with the aims of the council to build a better Dorset.

Resolved

1. That the capital work at Beaucroft School proceed, at a cost of £668,300 in section 8.5 of the Cabinet Member's report, providing replacements modular accommodation, and additional capacity for children with SEND.
2. That the capital investment of £2,094,769 to deliver sufficient capacity of Resourced Base Provision across the county, for children with Complex Communication Needs (CCN) as outlined in section 8.13 of the report be approved. This would reduce the need to place children outside of Dorset, and ensure children were able to access appropriate education close to home.
3. That the capital investment be managed and monitored through the School Organisation, Capital Programme and Admissions Board, (previously Modernising Schools Programme Board) be approved. The Director of Children's Services has delegated authority to administer the capital, in conjunction with the Cabinet Member for Economy, Education, Learning and Skills.

Reason for Decisions

To allow capital investment in the education estate, in support of children and families, by providing appropriate specialist provision close to their families, home and communities.

Questions from County Councillors

- 46 No questions were asked by members under Standing Order 20(2).

Meeting Duration: 10.00 am - 11.40 am

Public Questions and Statements
Cabinet – 4 April 2018

Agenda Item 6 - Future of Wareham Foot Crossing

Question

1. Angela Salter, resident of Wareham

Statements

2. Maxine Humphries, resident of Wareham
3. Councillor Malcolm Russell, Wareham Town Council
4. Jim Etherington, resident of Wareham
5. Mark Titman, Titman Design
6. John Simpson, resident of Wareham
7. Graham Baynes, resident of Wareham
8. Judith Price, Wareham Town Trust Representative
9. Robin Humphries, resident of Wareham
10. Councillor Mike Wiggins, Wareham Town Council
11. Ralph Holmes, resident of Wareham
12. Stewart Firth, Director of Route Sponsorship (Wessex Route) Network Rail

Agenda Item 8

Statement

13. Ray Nowak, Portland Town Council

1. Question from Angela Salter, resident of Wareham, to the Cabinet Member for Natural and Built Environment in relation to the Future of Wareham Foot Crossing

Question

Why do DCC not take more notice of the facts that the majority of Wareham residents wish to continue to use the railway level crossing as a level crossing and would wish to see either the crossing continue as it is or have an automatic barrier fitted as road crossings do? The proposed ramps will make it more difficult for people with disabilities to cross the railway line so why are these are being forced on Wareham when there is no evidence of any lack of safety with the current crossing?

Answer

DCC have recognised that, of residents who have stated an opinion, the majority have expressed a desire to keep the level crossing open. This was noted at a public exhibition held by DCC and a public meeting held by Wareham Town Council in July 2017.

The current level crossing cannot remain open as a permanent form of step free access across the railway. Both DCC and Network Rail recognise that there is a high health and safety risk of a pedestrian train collision at the crossing. Network Rail also state that the crossing cannot be improved by using automated barriers, as this form of control cannot be used for pedestrian only level crossings and will not eliminate the risk of a pedestrian train collision. Network Rail will not enter into a new permissive rights agreement to allow the crossing to remain open.

Constructing access ramps that connect to the existing footbridge at Wareham Railway Station will provide a safe, permanent, uninterrupted form of step free access over the railway line. The ramps will eliminate the risk of a pedestrian train collision associated with the use of the existing pedestrian level crossing.

An equalities impact assessment has been completed which considers how the protected characteristic groups of disability, age and pregnancy and maternity will be affected by the proposed ramps scheme. The impact of the scheme on these groups has been assessed as positive. A full copy of the assessment is available on both the DCC planning authority portal and as part of the 4th April 2018 DCC Cabinet Agenda.

2. Statement from Maxine Humphries, resident of Wareham, in relation to the Future of Wareham Foot Crossing

- A large majority of the local population are against this monstrosity and it would not be democratic to allow this proposal to be built against the will of the local people
- If built the structure would further divide the community in half
- The centuries old ancient right of way should never have been extinguished in 1973
- Allowing this proposal would be a massive dis-benefit to the local population

3. Statement from Councillor Malcolm Russell, Wareham Town Council, in relation to the Future of Wareham Foot Crossing

Over 250 residents attended the Public Open meeting held last year and voted unanimously against the scheme. Wareham Town Council made a resolution to oppose the current scheme and submitted a strongly worded letter of objection. Representations to PDC resulted in a unanimous rejection of both Listed Building Consent and the Planning applications. We sincerely hope that DCC Cabinet will not pursue the ramped bridge anymore which the Town Council and local residents oppose. However, if you are minded to take this to the Regulatory Committee we urge you to arrange the meeting to be held in Wareham so that those affected, including those with disabilities, are able to attend.

4. Statement from Jim Etherington, resident of Wareham, in relation to the Future of Wareham Foot Crossing

I am sending this message to you as Wessex Network Rail is trying yet again to succeed in having their proposal for the "skateboard ramp" accepted.

No doubt you have seen the excellent article in the [April issue \(no.219\) of the Purbeck Gazette by David Hollister on this subject \(p.10\) entitled "No Brain and No Hearts"](#), and one could do worse than read out said article at the meeting in Dorchester on April 4th.

The only additions I would suggest to this article is that;

- 1) as well as the examples of Wool and Holme Farm railway crossings, one could also cite Poole High Street, where thousands of pedestrians daily and safely use the railway crossing and the footbridge,
- 2) Wessex Network Rail could better use the money to start to improve the service on what has been claimed to be worst in the country.

Hope the above has been of some help

5. Statement from Mark Titman, Titman Design, in relation to the Future of Wareham Foot Crossing

First impressions are very important in setting the scene of a place. Wareham is presently a Georgian and Victorian modest and graceful gateway to The World Class Heritage site of The Purbecks. As such these ramps are a blot on the beauty of not only the station, but the town and the whole experience of visiting the Purbecks. Wareham deserves better quality. Would Venice have these? Aim higher please!

The design of these ramps is industrial and overly structured- they are ugly and out of place. Anyone can see this. To not accept it shows either lack of visual sense or bias. They are also dangerous for the infirm, older people, pram and wheelchair users. The ramps are steep and even if non stick will still be slippery. The train company or council will be sued repeatedly and will be seen to be breaking the responsibilities they have for these less mobile folk.

These ramps will also break Wareham into two parts and separate what is presently a coherent socialised town- where all folk mix comfortably. Many developers recognise the benefits and value of a good community and call this "social capital". These ramps will lower not only the tourist, visual and buildings' values in the town but will break the valuable coherent social life of the town - making the folk North of the level crossing strangers to the South. There will be less crossings and as such the infirm, mothers and older folk will become alienated. One thing I have come to love about Wareham is not only the architecture but the affectionate way strangers greet one and other amicably on the street on a daily basis.

Why Wareham is being given these ramps when 66% of the population have voted against them and two planning applications have been refused is odd and frustrating. Why haven't our voices been listened to? Why are we going through this AGAIN? Why really are they needed? is there an unseen reason that benefits the rail company? Surely it is not access issues as claimed, because this will actually be dangerous, as well as ugly and also will reduce the value and experience of being in or visiting Wareham. Why not pick on somewhere else that also has level crossings...I smell a rat!

6. Statement from John Simpson, resident of Wareham, in relation to the Future of Wareham Foot Crossing

I had polio when I was one leaving me very disabled. In all my life I have never known any Council, do anything other than to try and make life easier for disabled people - until now.

The proposal for ramps with the steepest gradient permissible will be more dangerous than using the crossing and unusable for people in manual wheel chairs and with walking difficulties. The community is clearly against it.

Councils are obliged to represent the people and their views, and act in the interests of the community. If they can't do that they should resign their seats and let new more representative people stand.

7. Statement from Graham Baynes, resident of Wareham, in relation to the Future of Wareham Foot Crossing

1. There is a diametric difference between Network Rail's aims and the actual needs of Wareham's populace.
2. The people of Wareham need a step-free pedestrian level crossing. This can be provided by using the existing gates, controlled by the signalling system and possibly coupled with a reduced line speed on this stretch of rail. Network Rail is resolved not to accept this, because there is no precedent for such a pedestrian crossing. The company does, however, control hundreds of road crossings in this way, and does not deny that the scheme is feasible.
3. The argument that a ramp, connected with the bridge, will not unduly inconvenience pedestrians, including those with push-chairs, may be valid for the fit. It may, too, be manageable for push-chair users with no other encumbrance. It is not suitable for the unfit; nor would it be safe for a parent with a child in the chair and a toddler on a rein (and, possibly, a dog). This would especially be the case when going down the ramp – where greater control is needed – and in icy weather.
4. Network Rail seems to have disregarded the problem faced by potential rail passengers from the north of the town who, if buying a ticket to travel eastwards, would have to cross the line twice. In this they have apparently convinced DCC that no problem exists. In fact, the return climb, up and down the ramps, involves a considerable total distance (in the order of a quarter of a mile) and time. This is not acceptable.
5. DCC's prime responsibility is towards the public, and not the Railway company. History and the already improved safety, brought about by the power-operated gates, indicate that the safety aspect is adequately covered by the Town's proposal. The ramps would probably increase, rather than reduce risk.
6. My argument is independent of any listed building aspects.

8. Statement from Judith Price, Wareham Town Trust representative, in relation to the Future of Wareham Foot Crossing

Only If **practicable** should level crossings be replaced with bridges, under passes or diversions.' All attempts to design inclusive Equality compliant bridges in the past have been impracticable. The current design fails to achieve the main objective of conformity with the Equalities Act. I am particularly concerned for the 21% of cyclists preferring the dangerous road route.

NR has invested in new technologies the Honeywell scanner is already installed on the crossing at Holme, Automation could be initiated tomorrow.

NRs mission for passengers contains goes beyond the Equality Act's public sector duty and includes all disabilities. They need inclusive cross platform connection for their passengers.

9. Statement from Robin Humphries, resident of Wareham, in relation to the Future of Wareham Foot Crossing

Summary

- 1) My own place in all of this
- 2) A most dangerous crossing
- 3) The Street Scene
- 4) Protection of Graded structures and how much modification is justifiable
- 5) The Ramp Design. 1 in 12 gradient is this legal
- 6) Protecting disabled access to this crossing. Disability rights are these going to be violated

10. Statement from Cllr Mike Wiggins, Wareham Town Council, in relation to the Future of Wareham Foot Crossing

A letter by Michael Tomlinson MP will be read out by Cllr Wiggins and is attached to this document.

11. Statement from Ralph Holmes, resident of Wareham, in relation to the Future of Wareham Foot Crossing

Like many, many other Wareham residents, I am strongly opposed to a ramped bridge as the only way of crossing the railway line near the station. Like them, I feel that an automated crossing similar to that in Poole High Street would be the ideal answer. In Appendix 8 Network Rail claim Poole High Street is a public road. In practice however, like in Wareham, it is no longer a road. It is fully pedestrianised. The crossing at Wareham is much more than a minor permissive footpath. It must be possible to design and make a suitable gate for it.

12. Letter from Stewart Firth, Director of Route Sponsorship (Wessex Route) Network Rail, in relation to the Future of Wareham Foot Crossing

Letter attached to this document.

13. Statement from Councillor Ray Nowak, Portland Town Council, in relation to Brackenbury Infant School

It's not my intention to speak at Cabinet given that the recommendation is to support the bid from PTC for Brackenbury School, other than to say 'thank you' if the recommendation is agreed.

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HOUSE OF COMMONS

LONDON SW1A 0AA

Debbie Ward
Chief Executive
County Hall
Colliton Park
Dorchester
Dorset
DT1 1XJ

29th
March 2018

Dear

Debbie,

Future of Wareham Level Crossing

I write concerning item 6 on the cabinet agenda for the meeting on 4th April 2018.

I have received representations from a large number of residents who are deeply concerned about the proposals for the level crossing in Wareham. I cannot stress enough the strength of feeling in the town against the proposals. There is a sincere fear that these proposals will split the town in two and that the gradient of the proposed ramp will be an unacceptable barrier to some of the least mobile in the community. I share these concerns.

Since this issue was first raised, I have sought to convey the concerns that have been raised with me and find an acceptable solution. I am sorry that an outcome that is suitable for everyone has not been found. Throughout the process Councillors, the Town Trust and local residents have sought to explain their concerns about these proposals. The decision of the local planning committee at Purbeck District Council to reject the plans on 31st January was welcomed but concerns remain that this decision will now be taken by a council that has not taken on board the views of the local community.

I have attended demonstrations and chaired public meetings where the anger at these proposals and the process that has led to this point has been palpable. This extends far beyond the realms of a normal planning application, this is a community trying to make their voice heard on an issue that they care deeply about. The number of residents that have taken the time to sign a petition is a further example of the strength of feeling within Wareham.

I urge the cabinet to keep these concerns at the forefront of their minds when deliberating on this matter. I would also implore the council and Network Rail to remove the plans and continue to explore alternative options with the community.

Yours sincerely

Michael Tomlinson MP

- cc Wareham County -
District Councillors
- cc Wareham Town Council
- cc Nick Page, Wareham
Town Trust.

Member of Parliament for Mid Dorset and North Poole

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Mike Harries
Director for Environment and Economy
Dorset County Council
County Hall
Colliton Park
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DT1 1XJ

Network Rail
Basingstoke Campus
Gresley Road
Basingstoke
Hampshire RG21 4FS

28 March 2018

Dear Mike

Thank you for the opportunity to write to you regarding the important matter of the future of Wareham level crossing. I am very sorry I am unable to be present at the cabinet meeting of the 4th April, and I wanted to set down in writing the Network Rail position in order to help inform the cabinet discussion and decision making.

ALARP risk management and Network Rail's Duty

Network Rail holds a duty to protect the safety of members of the public, as well as users of the railway. This is particularly acute at level crossings, and we have a very thorough programme of risk assessment and optioneering to reduce risk and to demonstrate risk is as low as reasonably practicable (ALARP). The Office of Rail and Road, and indeed the Rail Accident Investigation Branch both expect Network Rail to be able to demonstrate that it has explored every option and reduced risk to ALARP.

The level crossing at Wareham is not a public right of way, and is subject to a lease between DCC and Network Rail. This arrangement came about after the public highway right of way was extinguished in 1973. The extinguishment effectively placed an obligation on DCC to provide a means of access for pedestrians. There is no obligation on Network Rail to provide any means of crossing the railway at that point, and indeed our operating licence prohibits granting rights which could bring an unacceptable level of risk to the railway. Dedication of a public path across the rails is an example of such grant.

The crossing was previously operated as an 'MSL' type – miniature stop light – which required users to adhere to the signage and lights which indicated whether it was safe to cross. It became apparent as data recording and risk assessments improved that Wareham was subject to very regular deliberate misuse, with crossing users ignoring the light sequence and crossing when it was not safe to do so. In response to the threat of enforcement action from our regulator and the Rail Accident Investigation Branch, Network Rail and DCC agreed to introduce crossing attendants, employed by DCC, whose role is to operate electromagnetically locked gates.

Alternative Solutions

Network Rail was disappointed with the recent decision of PDC not to grant the listed building consent. As you know, Network Rail has worked closely with DCC over many years to evaluate options and we are very confident that ramps attached to the existing footbridge present the best and most feasible option as compared to an underpass or lifts – we have shared previously with you the work on these options and I do not propose to revisit this information here. We believe the public benefit here outweighs the harm to the curtilage of the listed station building, but of course we respect the right of the committee to form its own view.

I am also aware that there is a view held by some local stakeholders that there should instead be created some form of automatic barrier system for pedestrians and that Poole High Street is cited as a suitable and comparable alternative. Allan Spence, NR Head of Corporate Public and Passenger Safety, has written on this matter and his opinion is referred to in the cabinet paper. There are many factors which drive the high risk score at Poole High Street but most notable are the frequent deliberate misuse events, and the high volume of pedestrian users. This crossing is in fact is rated three times higher risk than any on our network in Wessex. Wareham will also have a very high level of pedestrian users and given the previous misuse of the Miniature Stop Light crossing here (which gave rise to the threat of enforcement action and the introduction of attendants), there is sadly every reason to expect the levels of deliberate misuse at Wareham to be comparable: because the vast majority of trains will call at Wareham station, we know that some users will determine for themselves whether they can 'beat the barrier' sequence, and ignore the light and barrier sequence. Furthermore, given the aspirations of the Swanage railway to ultimately run a connecting service, this will result in more train movements over the crossing, and potentially extended level crossing closure times. Again, our experience of level crossing user behaviour elsewhere on the network suggests we should expect to see high levels of deliberate misuse as users observe the speed of trains and that in some cases train movements will be at a stand whilst the barriers are down. It only takes one occasion for a train to run non-stop through the station (for example a set of empty coaches or a locomotive move) and the sequence that users believe they have come to 'expect' all of a sudden becomes very high risk. We are unequivocal on this point: there is no suitable alternative technology type for automating the level crossing at Wareham, and none in development. Installing a CCTV-type crossing, as in use at Poole High Street would be contrary to the principles of risk reduction or elimination which quite properly govern our decision making.

Financial Considerations

As referred to above and in the cabinet paper, the capital cost of installing any alternative crossing type would be estimated at between £1.5-£2.5m but this is without any consideration of the siting of lighting columns and CCTV camera columns, data transmission and creation of control panels. As well as recovering this cost from DCC, in line with the lease arrangements, Network Rail would also need to set up a means of recovering the new costs associated with maintenance and operation of this crossing. These costs are difficult to assess, since some of the duties might be carried out by existing personnel, but in common with other public bodies, Network Rail is expected to reduce its operating costs year on year and there would be no support for adding new workload and costs. In other words DCC might reduce its costs on provision of barrier attendants, but unfortunately this is highly likely to be offset, and probably exceeded by new costs which Network Rail would need to recover.

In summary, the option of automation is rejected by Network Rail because there is no technology type available for this deployment, and the risks associated with CCTV-style crossing operation (as at Poole High Street) would be higher than the current arrangements. Moreover, even if we were able to agree to develop and deploy this type of equipment, we would need to recover all costs from DCC and we do not believe this represents a value for money solution. Given these facts, Network Rail would be unable and unwilling to make any financial contribution toward the capital cost of such a scheme. The key point here though is not financial; even if all financial concerns were addressed the aspiration for an automated level crossing is unfortunately ill-conceived and represents an unacceptable and worsened level of risk.

Funding Provision

Network Rail has made a funding provision within the current Control Period to contribute towards a scheme with DCC to sustainably reduce the risk at Wareham. This funding does not rollover to our next Control Period and we therefore have no new funding identified beyond March 2019. We have sought to work jointly on this matter and would like to continue to do so, but we cannot support the current

arrangements ongoing indefinitely: we do not believe that settling for the status quo is a sustainable solution and nor do we believe we can claim the current arrangements are ALARP. Should a solution to the current situation not be clear, it may well be the case that DCC becomes the sole promoter of a long term solution.

Conclusion

We would like to be very clear that there is no 'alternative crossing' option which Network Rail can or will support. We have actively supported the development of several proposals to add ramps to the existing bridge structure at considerable cost but our support for further iteration of such schemes will soon expire. Financially we are tied to the current control period, and have worked with a legitimate expectation that by March 2019 the closure scheme will be well underway. As is evident from our continued involvement we would like to avoid a scenario in which the crossing is closed without alternative means of traversing the railway provided. However, as the cabinet is aware, the obligation to provide this alternative is not shared and we are keen to understand the next steps from the Cabinet's considerations in order that we can determine our position going forwards.

Yours sincerely



Stewart Firth
Director of Route Sponsorship (Wessex Route)
Network Rail
M. 07767644382

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Cllr Beryl Ezzard: Member Wareham Division

4 April 2018

berylrezz@outlook.com

contact: 07860 503944

Cllr Rebecca Knox: Leader of DCC

Cllr Darryl Turner: Cabinet Member – Natural & Built Environment

DCC Cabinet Members

Dear Chairman

Ref: Item 6 Future of Wareham Foot Crossing - Cabinet Meeting 4 April 2018

As the DCC Cllr for Wareham, I have been involved with campaigning to keep the pedestrian level crossing at Wareham Station, for over ten years. Two years ago, I signed the SAVE OUR LEVEL CROSSING Petition which was presented to Dorset County Council in 2016 with more than 3,000 signatories.

The community and I, are as determined and dedicated as ever to keep, or develop with partners, a solution that enables a LEVEL CROSSING to satisfy the Office for Rail & Road requirement for Health & Safety regulations. I support the Purbeck District Council's decision to refuse the Listed Building Consent; the station's Victorian buildings including the bridge, is only one of two Grade 11 Listed Stations in Dorset, I also reject the recommendations for this Council's proposed Planning Application for building a ramped crossing with 1:12 gradient.

Please consider very carefully the following issues when debating the Crossing, on how the outcome will affect the residents living on the north side of the railway.

1. The ramped bridge is unacceptable to most of the Wareham Community: almost 50% of residents in Wareham signed the Petition. There will be a crucial loss of economy for retail businesses in Wareham, as it will encourage folk living on the north side of Wareham to using their cars to go Poole instead. Extra usage of cars will cause more congestion on the A351 through Sandford – this gives out the wrong message!
2. We have 29% of residents over 65's in Wareham with almost 10% over 85, some who are active, however, the ramped bridge will be a step too far; 5% will be very challenged as the report states: "undetermined impact" to enable them, if at all, to attempt the ramped bridge. Therefore, their independence, health and wellbeing will certainly be curtailed!
3. Passengers using public buses, when catching the train for London with luggage, will have to cross once to collect tickets at the Ticket Office or

Machines on Platform 2 (downline), then take the bridge to the (up line) Platform 1 for London etc. will have a long weary walk!

4. The length of ramped bridge will almost double the time, effort and distance to walk into Wareham for schools, visiting the Doctor, Banks, Post Office, Library, Local Councils, Cinema, Café's and Pubs from the northside of town.
5. The Risk Factor, for Health & Safety reasons is rated high, Why? when in 130 years there has never been a fatality on this crossing? Or serious injuries? The evidence does not stack up – not convincing: gauged to be E4 by NR is listed 610th of 6,300 level crossings in the UK that NR monitor. So, there are 609 deemed more dangerous! NR have in other areas, been swayed by the local community, satisfying a local need by keeping their level crossing, why not ours?
6. For the many cyclists this will effectively stop up the "Sika Trail", Wareham to Wareham Forest; forcing cyclists to use the flyover A351, towards Sandford – hazardous - potentially slowing traffic and negotiating heavy Clay Lorries coming from Trigon Quarry to Furzebrook Imerys Depot.

I challenge DCC/NR to prove that there is categorically NO alternative to their resolve to put in a ramped crossing with the 1:12 gradient.

I am not convinced that all possible alternatives have been researched? Pedestrian Crossings that swing up as a bridge have been noted on other UK railways? Also rails fitted with activators that send signals to crossings to close? The electronic communication with Basingstoke Signalling system should but does not communicate with the Crossing Attendants, so their knowledge is still haphazard! There has been a failing to foresee a Plan "B" all along, which has left Wareham's community in limbo without a satisfactory outcome for over 9 years. I believe DCC/NR/ORR have a duty of care to the local community to develop a more pro-active partnership in resolving this; exploring cutting edge/state of the art technology used elsewhere the world.

This has never been just a railway crossing, it is the lifeblood of WAREHAM which connects half of its residents to the Saxon Market Town. The massive support there is for keeping the pedestrian level crossing is not going away anytime soon, and we will campaign on, to prevent this unsightly unsatisfactory proposal.

Cabinet Members support the locals of Wareham in their need to keep the level crossing at Wareham Station. This is a very emotive, serious issue, please consider carefully.....

Thank you.

From: Swanbase W [<mailto:swanbase.w@gmail.com>]

Sent: 03 April 2018 12:52

To: Simon T Gledhill <s.t.gledhill@dorsetcc.gov.uk>

Cc: Rebecca Knox <r.knox@dorsetcc.gov.uk>; Jill Haynes <jill.haynes@dorsetcc.gov.uk>; Steve Butler <Steve.Butler@dorsetcc.gov.uk>; Deborah Croney <D.Croney@dorsetcc.gov.uk>; Tony Ferrari <tonyferrari35@gmail.com>; Daryl Turner <D.W.Turner@dorsetcc.gov.uk>; Peter Wharf External Address <peter.wharf@btopenworld.com>

Subject: Wareham Footbridge Ramps - DCC Cabinet, 4th April 2018

cc Dorset County Council Cabinet Members

Dear Simon,

WAREHAM FOOTBRIDGE RAMPS

DCC CABINET 4th APRIL 2018 - Agenda Item 6

The objectives of the Purbeck Community Rail Partnership include strong support for the development and promotion of rail use in south-east Dorset and the involvement of local communities in that process. At present the Partnership's focus is particularly upon the provision of train services between Wareham and Swanage.

The Partnership is concerned that difficulties in deciding upon a permanent means of crossing the main railway line adjacent to Wareham station, in a way which is both safe and consistent with the expressed needs of users, is hindering the realisation of its goals.

The delay resulting from the present lack of an agreed solution impacts on the Partnership's work in two ways:

1. The operational benefits provided by the track and signalling installed at Wareham in 2015 cannot be fully realised while the existing foot crossing control system is in place. This adversely affects the planning of train movements (a) when engineering work on the main line requires trains from either direction to terminate at Wareham before returning whence they came, and (b) when efficient recovery of time is necessary in the event of late-running main line services;
2. Operation of services to and from Swanage is made more difficult by Swanage trains having to arrive and leave from the same platform at Wareham. Fully commissioned track and signalling would offer better connections for passengers, since trains from Swanage would terminate at the more convenient (for most) 'Up' platform - the Bournemouth, Southampton and Waterloo direction. Meanwhile the sidings to the east of the level crossing would be utilised to enable trains to Swanage to wait there between trips. These trains would then collect passengers from the 'Down' platform, correspondingly the more convenient since most people changing trains at Wareham for Swanage will have arrived there.

In both cases 1 and 2, bringing into use the improvements - already funded in large part by the grant made to Network Rail by Dorset CC and Purbeck DC - will improve the experience of local rail travel for passengers and can only lead to increased use of rail services in the future.

The Partnership fully understands the complexities of the wider issue involving the needs of all categories of users of the present foot crossing. It recognises the dilemmas inherent in seeking to reconcile apparently conflicting interests and holds no specific view on the presently proposed technical solution involving footbridge ramps. The Partnership can only emphasise the advantages of making use of the works already undertaken and paid for, and urge the County Council to work with Network Rail and other parties towards the earliest possible resolution in order - if possible - to reach an outcome satisfactory to both users of the railway and nearby residents.

With kind regards,

Bill Trite

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