

Agenda Supplement

Dorset County Council



Meeting: Cabinet
Time: 10.00 am
Date: 4 April 2018
Venue: Committee Room 1, County Hall, Colliton Park, Dorchester, Dorset, DT1 1XJ

Debbie Ward
Chief Executive

Contact: Lee Gallagher
County Hall, Dorchester, DT1 1XJ
l.d.gallagher@dorsetcc.gov.uk - 01305
224191

Date of Publication:
Tuesday, 3 April 2018

4. **Public Participation**

3 - 14

To receive a public question and number of statements at the meeting.

This page is intentionally left blank

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. Maxine Humphries, resident of Wareham
10. Robin Humphries, resident of Wareham
11. Councillor Mike Wiggins, Wareham Town Council
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?

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.

This is a statement, with a request to hold the Regulatory Committee meeting in Wareham.

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 Maxine Humphries, resident of Wareham, in relation to the Future of Wareham Foot Crossing

- * A Large majority of 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

10. 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

11. 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.

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.

This page is intentionally left blank



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

This page is intentionally left blank



Mike Harries
Director for Environment and Economy
Dorset County Council
County Hall
Colliton Park
Dorchester
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

This page is intentionally left blank