

Agenda item:

Regulatory Committee

7

Dorset County Council



Date of meeting	7 December 2017
<u>Local Member(s):</u> Cllr Peter Wharf – Member for Edgon Heath (until May 2017) Cllr Cherry Brooks - Member for South Purbeck (from May 2017) <u>Lead Officer</u> Carol McKay, Definitive Map Technical Officer (Public Path Orders)	
Subject of report	Application to divert Footpath 15, Wool
Executive summary	This report considers an application to divert Footpath 15, Wool as shown on Drawing 16/11/1 (Appendix 1).
Applicant	Network Rail
Impact Assessment:	Equalities Impact Assessment: n/a
	Use of Evidence: The applicant consulted the local Parish Council and local residents before submitting the application in order to establish whether the proposals would have support. A full consultation exercise was carried out in December 2016 involving user groups, local councils, those affected and anyone who had already contacted Dorset County Council regarding this application. The County Councillor for Edgon Heath, Councillor Peter Wharf, (County Councillor at the time of consultation) was also consulted. In addition notices explaining the application were erected on site. Comments received have been discussed in this report.

	<p>Budget :</p> <p>The applicant has agreed to pay in accordance with the County Council's usual scale of charges and also for the cost of advertising the Order and subsequent Notice of Confirmation. The law does not permit the County Council to charge the applicant for the cost of obtaining confirmation by the Secretary of State if an Order is the subject of an objection.</p> <p>Risk Assessment:</p> <p>Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: LOW Residual Risk: LOW</p> <p>Other implications:</p> <p>Sustainability – n/a</p> <p>Property and Assets – n/a</p> <p>Voluntary Organisations – n/a</p> <p>Community Safety – The diversion of Footpath 15, Wool would reduce the risk of accident to pedestrians using the rail crossing known as 'Wool Footpath' by providing a safe alternative route via a pedestrian bridge.</p> <p>Physical activity - The diversion of Footpath 15, Wool encourages physical activity by providing a safer route for walkers.</p>
<p>Recommendations</p>	<p>That:</p> <ul style="list-style-type: none"> (a) The application to divert Footpath 15, Wool from A – B to C – D – E – F – G as shown on Drawing 16/11/1 be accepted and an order made; (b) The Order include provisions to modify the definitive map and statement to record the changes made as a consequence of the diversion; and (c) If the Order is unopposed, or if any objections are withdrawn, it be confirmed by the County Council without further reference to the Committee.

<p>Reasons for Recommendations</p>	<p>(a) The proposed diversion meets the legal criteria set out in the Highways Act 1980.</p> <p>(b) The inclusion of these provisions in a public path order means that there is no need for a separate legal event order to modify the definitive map and statement as a result of the diversion.</p> <p>(c) Accordingly, the absence of objections may be taken as acceptance that the proposal is expedient and therefore the County Council can itself confirm the order.</p> <p>Decisions on applications for public path orders ensure that changes to the network of public rights of way comply with the legal requirements and supports the Corporate Plan 2017-18 Outcomes Framework:</p> <p>People in Dorset are Healthy:</p> <ul style="list-style-type: none"> • To help and encourage people to adopt healthy lifestyles and lead active lives • We will work hard to ensure our natural assets are well managed, accessible and promoted. <p>Dorset's economy is Prosperous:</p> <ul style="list-style-type: none"> • To support productivity we want to plan communities well, reducing the need to travel while 'keeping Dorset moving', enabling people and goods to move about the county safely and efficiently <p>Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority. Dorset's Rights of Way Improvement Plan sets out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.</p>
<p>Appendices</p>	<p>1 - Drawing 16/11/1</p> <p>2 - Drawing 16/11</p> <p>3 - Summary of Consultation Responses</p> <p>4 - Summary of issues discussed at meeting 20 March 2017</p> <p>5 - Network Rail's response to objectors</p> <p>6 - Network Rail 2014 Risk Assessment</p>
<p>Background Papers</p>	<p>The file of the Service Director, Highways and Emergency Planning (ref. RW/P179b)</p>

Officer Contact	Carol McKay Definitive Map Technical Officer (Public Path Orders) Regulation Team, Dorset Highways Tel: (01305) 225136 email: c.a.mckay@dorsetcc.gov.uk
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1 Background

- 1.1 The County Council has received an application from Network Rail in March 2016 to divert Footpath 15, Wool as shown on Drawing 16/11/1 attached as Appendix 1.
- 1.2 The diversion of Footpath 15, Wool would enable Network Rail to close the level crossing known as 'Wool Footpath'.
- 1.3 With the support of the Office of Rail Regulation, Network Rail is running an investment programme to improve safety and reduce risk where public highways or public rights of way cross the railway.
- 1.4 Network Rail has assessed three rail crossings in the vicinity: Wool Footpath (crossed by Footpath 15, Wool); Wool West (also known as Bailey's Drove); and 'Darkies' (crossed by Footpath 14, Wool).
- 1.5 Network Rail held two information sessions with local residents to ascertain use of these level crossings in Wool to ensure that there would be no detrimental impact on the local community.
- 1.6 Following discussions with Wool Parish Council, Purbeck District Council and Dorset County Council, Footpath 15, Wool was identified for potential diversion as part of the 'Wool Pedestrian Level Crossings Improvement Scheme'.
- 1.7 As part of the scheme, an application has been submitted by Network Rail to extinguish Footpath 14, Wool. Consultations for both proposals were carried out concurrently but the proposed extinguishment of Footpath 14 is considered in a separate report.
- 1.8 The third element of the scheme is to improve the level crossing at Wool West (Bailey's Drove), which is a level crossing for pedestrians, by installing Miniature Stop Lights. Miniature Stop Lights give users a clear indication about when it is safe to cross.
- 1.9 A letter from Wool Parish Council dated 6 December 2014 concerning the 'Wool Pedestrian Level Crossings Improvement Scheme' indicates the support of Wool Parish Council, County Councillor Peter Wharf and Purbeck District Council for the changes identified above.
- 1.10 The current definitive route of Footpath 15, Wool runs from point A on Dorchester Road northwest across the railway to point B on East Burton Road. There are stiles either side of the railway at points A and B. From point A the footpath runs from the pavement adjacent Dorchester Road over a stile onto the rail crossing. The footpath crosses the railway lines at track level, using a flat wooden deck between the rails. There is a second stile leading to point B, which connects the footpath with East Burton Road.
- 1.11 The proposed new route of Footpath 15, Wool crosses the railway via a new bridge running from point C on Dorchester Road along a surfaced path north west to D and then turning east northeast up steps to point E, then north northwest across the bridge over the railway to point F, then west southwest down steps to point G adjacent East Burton Road.

- 1.12 Network Rail has contributed land alongside East Burton Road for public use, which allows walkers to continue east or west from point G. Dorset County Council is responsible for the maintenance of this new path.
- 1.13 The length of Footpath 15, Wool to be diverted is approximately 19 metres. The proposed new footpath is approximately 59 metres.
- 1.14 Network Rail assigns a relative risk to each level crossing using an All Level Crossing Risk Model (ALCRM). The process considers the type of crossing, number of people using it and whether users are vulnerable and or infrequent, the sighting for users and speed of trains. Level crossings are rated A – M for Individual Risk (which applies to crossing users only), with A being the highest risk and M the lowest, and 1 – 13 for Collective Risk (which applies to all people using the crossing including pedestrians, vehicles, staff and passengers) with 1 being the highest risk and 13 the lowest.
- 1.15 Network Rail carried out a risk assessment in 2014 (attached as Appendix 6) and the level crossing at Wool Footpath scored a rating of C6, which indicates a high individual risk. Sun glare, short sighting time, frequent trains and crossing misuse are key risk factors at this crossing.
- 1.16 The highest risk at this level crossing is a fatality occurring. The Footpath 15 crossing is on a double track section of line with a maximum speed of 85 mph in both directions. An average of 71 trains per day pass over the level crossing. The crossing is located close to Wool Station where some trains stop, but others do not. The resulting difference in speed of approaching trains may give a false perception of risk.
- 1.17 The sighting of approaching trains at this level crossing is insufficient from the crossing point.
- 1.18 A warning is given by trains whistling before they pass the crossing. However, during the night-time quiet period (11pm and 7am), train drivers are instructed not to sound horns as they pass the whistle-boards so that residents are not disturbed, unless the driver sees someone on the track. Therefore walkers using the footpath between 11pm and 7am are more vulnerable.
- 1.19 Regular use of the level crossing has been recorded between 11pm and 7am, including people returning from the “The Ship Inn” public house south of the railway to the campsite on the north side. A census carried out by Network Rail has shown that the crossing is regularly used by local residents throughout the year with use increasing from an average of 16 people a day in winter to 69 people a day in summer.
- 1.20 There is a temporary speed restriction of 60mph at Wool in the down direction (west) only. This is because the whistle board for the footpath is closer to the crossing than required as the recommended location would be on Wool platform, which is not permitted.
- 1.21 Network Rail is unable to construct a tunnel due to the landownership of adjacent land and the presence of gas mains at the location, therefore a bridge was identified as the best option for crossing the railway.
- 1.22 The footbridge has been constructed in advance of the proposed diversion being determined.

- 1.23 Network Rail did give consideration to accessibility issues. However there is insufficient land available to construct a bridge accessible to wheelchairs and mobility vehicles. The nearest crossing point for wheelchair users is approximately 210 metres east of point A at the level crossing for vehicles adjacent Wool train station 'Wool MCB-CCTV' (Manually Controlled Barriers CCTV), which is controlled by barriers.
- 1.24 Despite its limitations with regards to accessibility it is believed that the proposed diversion represents a substantial improvement to the safety of footpath users crossing the railway. It is considered that the increased protection to users from the danger of crossing a high speed railway track makes this diversion a reasonable solution.
- 1.25 If the diversion order is successful, the whistle boards for the 'Wool Footpath' crossing will be removed, reducing noise for residents and the level crossing will be securely fenced off in order to prevent unauthorised access and trespass onto the railway. Signs will be erected to notify walkers of the footpath diversion. Network Rail will be responsible for these works.
- 1.26 The current route of Footpath 15 is currently closed by a Temporary Traffic Regulation Order for safety reasons with the proposed new route of Footpath 15 open on a permissive basis.
- 1.27 The relevant legal tests are set out below.

2 Law

Highways Act 1980

- 2.1 Section 119A of the Highways Act 1980 says that the County Council may, by order, divert a footpath crossing a railway, other than by a tunnel or bridge, where it considers the diversion up expedient in the interest of the safety of members of the public, who use, or are likely to use, the path in question.
- 2.2 The diversion order may stop up not only the crossing itself but also any adjacent lengths of path up to an intersection with another highway to avoid leaving a cul-de-sac path.
- 2.3 A rail crossing diversion order cannot be **confirmed** as an unopposed order unless the County Council are satisfied that it is expedient to do so having regard to all the circumstances, and in particular to:
- (a) whether it is reasonably practicable to make the crossing safe for use by the public, and
 - (b) what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.
- 2.4 A rail crossing diversion order shall not alter a point of termination of a path or way:
- (a) if that point is not on a highway over which there subsists a like right of way (whether or not other rights of way also subsist over it); or

(b) (where it is on such a highway) otherwise than to another point which is on the same highway, or another highway connected with it.

- 2.5 A rail crossing diversion order may make provision requiring the operator of the railway to maintain all or part of the footpath, bridleway or restricted byway created by the order.
- 2.6 Section 29 of the Highways Act 1980, as amended by Section 57 of the Countryside and Rights of Way Act 2000, says that when making diversion orders the County Council must have regard to the needs of agriculture, forestry and nature conservation and the desirability of conserving flora, fauna and geological and physiographical features. "Agriculture" includes the breeding and keeping of horses.
- 2.7 The County Council may itself confirm the order if it is unopposed. If it is opposed it may be sent to the Secretary of State for confirmation.

Wildlife and Countryside Act 1981

- 2.8 Section 53A of the Wildlife and Countryside Act 1981 enables provisions to amend the definitive map and statement required by virtue of a rail crossing diversion order to be included in the diversion order instead of being the subject of a separate legal event order.

Human Rights Act 1998 – Human rights implications

- 2.9 The provisions of the Human Rights Act and principles contained in the Convention of Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols of particular relevance are:

Article 8 - Right to respect for private and family life

The First Protocol, Article 1 - Protection of Property

- 2.10 When considering whether it is expedient to make the order a council must have due regard of any argument put forward by an adjoining landowner that their rights under Article 8 and Article 1 of the First Protocol would be infringed.
- 2.11 Section 28 of the Highways Act 1980 provides that a person with an interest in land affected by the consequence of the coming into operation of a public path order can make a claim for compensation for the depreciation of land value or damage suffered by being disturbed in his enjoyment of land.

Rights of Way Improvement Plan

- 2.12 Dorset County Council's Rights of Way Improvement Plan (ROWIP) is a statutory document setting out a strategy for improving its network of Public Rights of Way, wider access and outdoor public space.
- 2.13 Before confirming a public path creation, diversion or extinguishment order a council or the Secretary of State must have regard to any material provision of a rights of way improvement plan prepared by the local highway authority.

2.14 Five themes have been identified for improving access in Dorset of which the following is particularly relevant to the present case and should be considered in relation to this application:

- Theme 1.6 Improve accessibility of the network

3 Compliance with the law

Order Making

- 3.1 It is considered that the proposed diversion of Footpath 15, Wool is expedient in the interest of the safety of members of the public who use, or are likely to use the footpath.
- 3.2 Network Rail indicates that there is a high individual safety risk to pedestrians using the crossing.
- 3.3 Network Rail has carried out surveys to establish the level of public use of the crossing. The survey results indicate that the path is used up to 69 times a day in summer. This includes use between 11pm and 7am when users are at greatest risk.
- 3.4 The primary benefit of the diversion is that it removes the risk of an incident at the level crossing by diverting the footpath onto a pedestrian bridge.
- 3.5 Under the proposal the full length of Footpath 15 would be diverted.
- 3.6 Under Section 119A of the Highways Act 1980, the termination points of the new path must connect to another point on the same highway or one connected with (but, unlike a 'standard' diversion under Section 119, does not have to be substantially as convenient to the public).
- 3.7 The current footpath terminates at point A on the pavement (footway) adjacent Dorchester Road and at point B on East Burton Road. The proposed new route terminates at point C on the pavement adjacent Dorchester Road and at point G north of the railway. Network Rail has contributed land alongside East Burton Road to Dorset County Council for public use. It provides a pedestrian route on the southern side of East Burton Road from point G at the bottom of the footbridge leading both east and west for a total distance of over 250 metres. This meets the legal tests concerning termination points.
- 3.8 The diversion will have no adverse effect on agriculture, forestry, flora, fauna and geological and physiographical features.
- 3.9 Land served by the footpath is not adversely affected by the diversion of the public right of way.
- 3.10 The removal of the crossing, if the diversion were successful, would also result in removal of the associated whistle boards. Trains will no longer be required to sound their horns, which will be a direct benefit to residents living close to the whistle boards.
- 3.11 The proposed diversion affects the land of the applicant (Network Rail) only. Therefore there is no compensation payable under Section 28 of the Highways Act 1980.

- 3.12 The proposed diversion has been examined in the context of the Rights of Way Improvement Plan (ROWIP). The existing path has limited accessibility due to the two stiles and is unsuitable for mobility impaired users. However, the new bridge is more accessible than the current route. Whilst the new route of Footpath 15, Wool is not accessible to all, it fulfils the following theme:

Theme 1.6 Improve accessibility of the network

Order Confirmation

- 3.13 A rail crossing diversion order cannot be confirmed as an unopposed order unless the County Council are satisfied that it is expedient to do so having regard to all the circumstances and in particular:
- Whether it is reasonably practicable to make the crossing safe for use by the public, and
 - What arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.
- 3.14 Circular 1/2009 is guidance issued by the Secretary of State, but is not law. This Circular states that
- The new route should be reasonably convenient to the public
 - Regard should be made to the land served by the existing and proposed routes
 - The effect on the network as a whole should be considered, and
 - Regard should be had to the safety of the diverted route, particularly if it is across or along a vehicular highway.
- 3.15 Network Rail has indicated that the high level of use at the Wool Footpath crossing justifies the cost of installing a pedestrian bridge at this location.
- 3.16 Upon confirmation of a rail crossing diversion order, the existing level crossing furniture, signs and the stiles will be removed.
- 3.17 Network Rail's boundary will be securely fenced off in order to prevent unauthorised access and trespass onto the railway. Signs will be provided to notify users of the diversion. These arrangements will be specified in the Rail Crossing Diversion Order.
- 3.18 Officers consider that, while the bridge is a longer route and in a slightly different location, the proposed route is reasonably convenient.
- 3.19 Officers also consider that the new route is clearly safer than the existing route and that safety of users is not compromised by the Vehicle Restraint System, the effect of which is considered in more detail below. The other factors set out in Circular 1/2009 are considered above (paragraphs 3.9 – 3.12).

4 Consultation

- 4.1 At the time of the consultation, Footpath 15, Wool was within the electoral division of Edgon Heath and therefore Councillor Peter Wharf, the County Councillor for Edgon Heath, was consulted on the application. He made no comment although he had previously supported the proposal following discussions with Network Rail.
- 4.2 Following changes to the Dorset Electoral divisions in May 2017, Footpath 15, Wool now falls within the new South Purbeck electoral division. Consultation documents were sent to the County Councillor for South Purbeck, Councillor Cherry Brooks in August 2017.
- 4.3 Councillor Cherry Brooks has indicated that she concurs with Councillor Peter Wharf's support for the diversion.
- 4.4 Following construction of the bridge and the subsequent change to the Ordnance Survey base map, the original consultation plan (Drawing 16/11 attached as Appendix 2) was updated to reflect the changes. A new plan (Drawing 16/11/1 attached at Appendix 1) was circulated to all consultees with a cover letter explaining the changes.
- 4.5 The consultation responses are summarised in Appendix 3.
- 4.6 A meeting was held on 20 March 2017 with representatives from Dorset County Council and Network Rail. All consultees who objected or supported proposals concerning the associated application to extinguish Footpath 14, Wool were invited to the meeting along with the Dorset Local Access Forum and Wool Parish Council. The meeting was also attended by local residents who had not responded to the consultation.
- 4.7 Although the meeting was specifically intended to discuss the proposed extinguishment of Footpath 14, Wool, a number of issues were raised which related to the proposed diversion of Footpath 15, Wool.
- 4.8 A summary of these issues is attached as Appendix 4.

Objections

- 4.9 Three objections were received, two during the initial consultation and one received outside of the consultation period.
- 4.10 A copy of Network Rail's initial response to the two original objections received is attached as Appendix 5.
- 4.11 A further letter to the two original objectors was sent in April 2017. This is attached as Appendix 6. Neither of the two objectors have withdrawn their objection.
- 4.12 The objections are concerned with the appearance of the bridge, the need for it, its accessibility and the termination point on the northern side of the railway on East Burton Road.
- 4.13 All three objectors state that the new bridge is an eyesore and is not in keeping with the area.

- This is not a factor that can be taken into account as it is a planning issue.
- 4.14 They also feel that the bridge encroaches on East Burton Road and makes the highway less safe for pedestrians and vehicles.
- A safety audit has been carried out by Dorset County Council and concludes that the route is safe.
- 4.15 There are particular concerns regarding the traffic barrier which has been installed alongside East Burton Road, stopping pedestrians from walking directly from the bridge to the caravan park opposite.
- The Vehicle Restraint System (VRS) at East Burton Road has been installed to protect pedestrians by preventing road vehicles from striking the bridge. Creating an opening in the VRS would undermine this purpose. The length of the barrier either side of the bridge complies with the relevant design standard and the particular type of barrier was selected to be suitable for pedestrians to walk behind.
 - The design and installation of the Vehicle Restraint System (VRS) is to highway standards and has been agreed with the local Highway Authority (Dorset County Council). The specification of the VRS required has been determined by a road safety audit conducted by Dorset County Council.
 - The newly created path running east and west from point G is maintained by the County Council.
- 4.16 One objector also feels that the application is retrospective as the new bridge is already in situ.
- Whilst Dorset County Council does not encourage works to be carried out on proposed new rights of way before an Order is confirmed, it is acknowledged that the installation of the bridge and temporary closure of the footpath benefits the safety of the public. The fact that the works have been carried out should not influence the determination of the application.

Other Responses

- 4.17 There were seven additional responses including Wool Parish Council, The Open Spaces Society and The Ramblers neither supporting nor objecting to the proposals.
- 4.18 It is noted by two consultees that the cycle gutters have not yet been installed. It is understood that cycle gutters will be installed on the bridge by Network Rail in the future. However, there is no requirement for cycle gutters on a pedestrian bridge.
- 4.19 Wool Parish Council notes that that new bridge was constructed out of alignment with the carriageway and therefore required a traffic barrier, which obstructs the route from Whitmeads Caravan Park to new bridge.
- 4.20 The installation of the traffic barrier is discussed above.

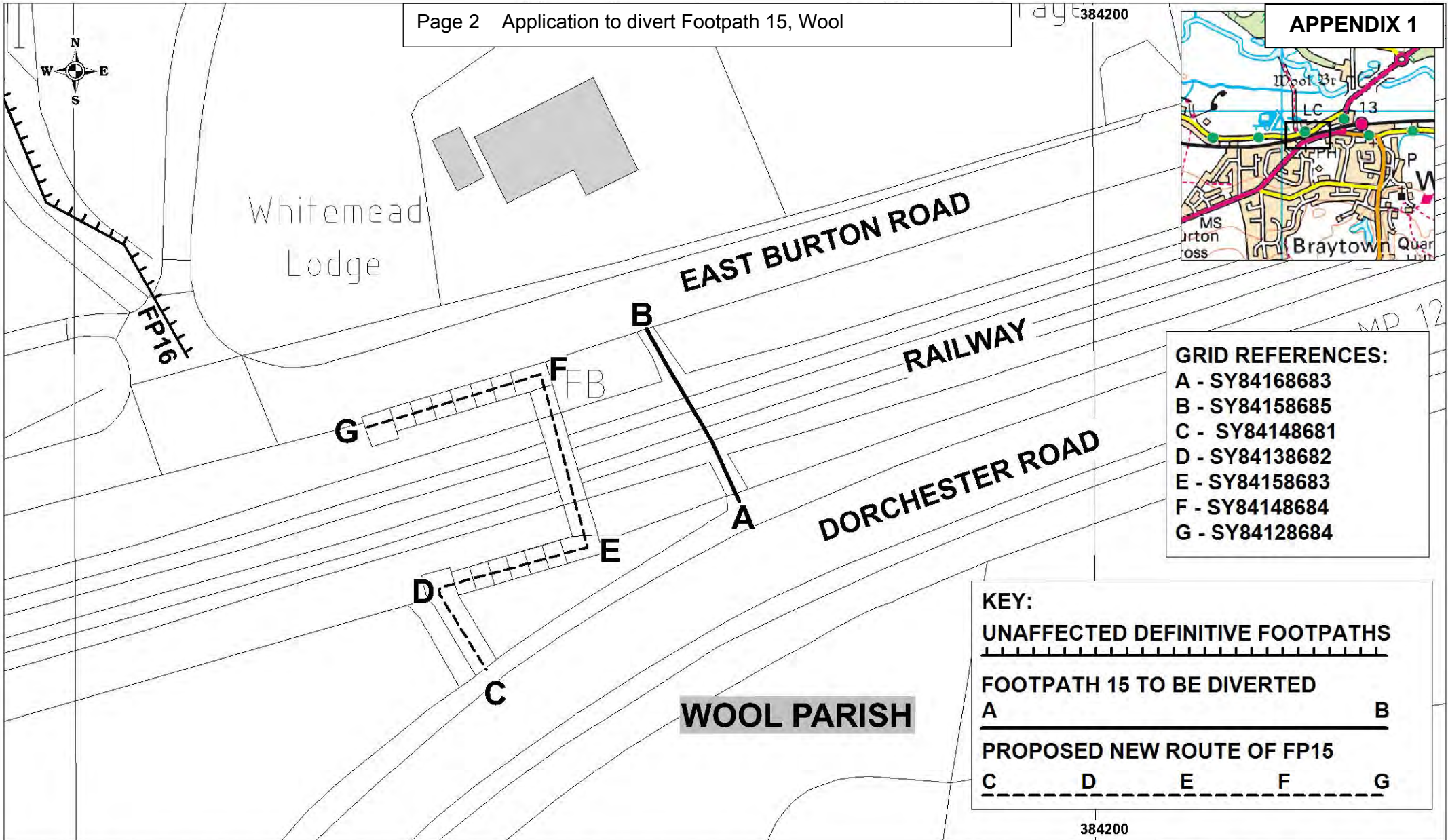
5 Conclusions

- 5.1 Network Rail has demonstrated a high level of use of Footpath 15, Wool, which includes the Wool Footpath level crossing. The crossing is assessed as a high individual risk for users.
- 5.2 Provision of a footbridge is therefore considered to be justified at this location.
- 5.3 Should the Order be confirmed, Network Rail will install and maintain appropriate fencing at either side of the crossing at points A and B. Signage indicating that the footpath has been diverted will also be erected, compliant with the statutory requirements. In addition, the stiles at A and B will be removed.
- 5.4 Having regard to the circumstances behind the proposal, including the survey of use of the footpath, and that Network Rail has agreed to appropriate measures to prevent the use of the path in the event of it being diverted, it is concluded that the relevant tests set out in Section 119A of the Highways Act 1980 have been satisfactorily met.
- 5.5 The application to divert Footpath 15, Wool meets the tests set out under the Highways Act 1980 and therefore should be accepted and an order made.
- 5.6 It is recommended that the Order include the following conditions on its successful confirmation:-
- Network Rail to maintain the bridge and approaches within its land
 - Network Rail to remove stiles at points A and B
 - Network Rail to erect and maintain fencing in place of the stiles at points A and B
 - Network Rail to erect signage indicating the footpath diversion
- 5.7 If there are no objections to a rail crossing diversion order, as the criteria for confirmation have been met the order should be confirmed.

Andrew Martin

Service Director, Highways and Emergency Planning

November 2017



- GRID REFERENCES:**
- A - SY84168683
 - B - SY84158685
 - C - SY84148681
 - D - SY84138682
 - E - SY84158683
 - F - SY84148684
 - G - SY84128684

KEY:

UNAFECTED DEFINITIVE FOOTPATHS

FOOTPATH 15 TO BE DIVERTED
 A B

PROPOSED NEW ROUTE OF FP15
 C D E F G

384200

SECTION 119A, HIGHWAYS ACT 1980 - RAIL CROSSING DIVERSION ORDER
PROPOSED DIVERSION OF FOOTPATH 15, WOOL

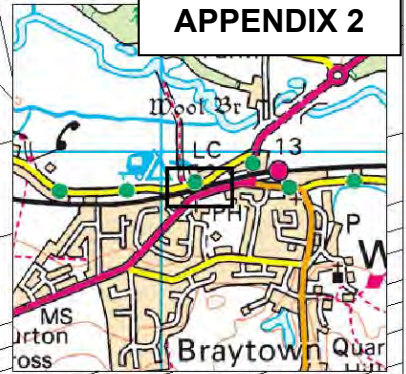
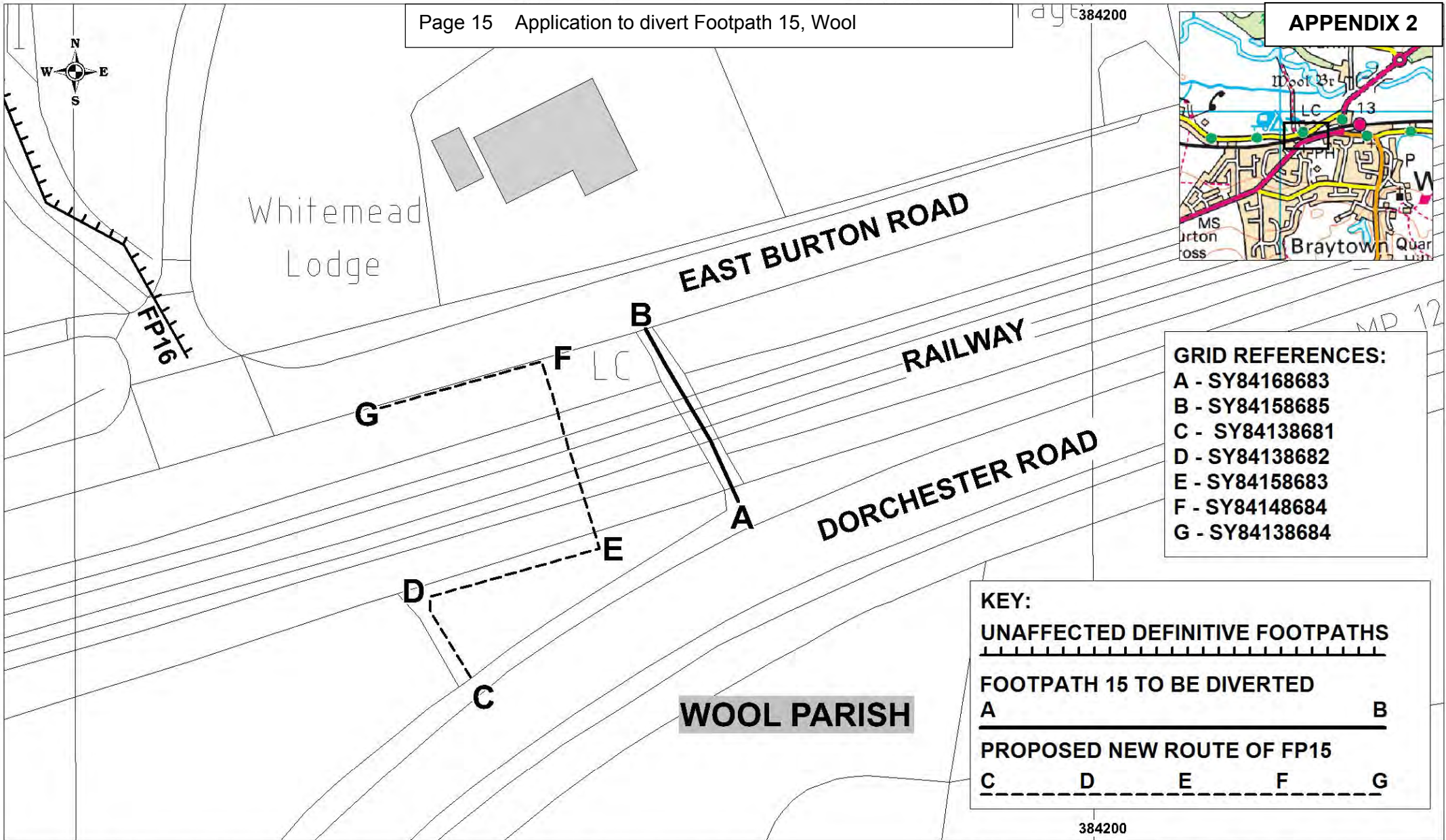
THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref: 16/11/1
 Date: 13/07/2016
 Scale 1:500
 Drawn By: CAM
 Cent X: 384164
 Cent Y: 86843

GEOGRAPHICAL INFORMATION SYSTEMS

Dorset County Council

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GRID REFERENCES:

- A - SY84168683
- B - SY84158685
- C - SY84138681
- D - SY84138682
- E - SY84158683
- F - SY84148684
- G - SY84138684

KEY:

UNAFFECTED DEFINITIVE FOOTPATHS

FOOTPATH 15 TO BE DIVERTED

A B

PROPOSED NEW ROUTE OF FP15

C D E F G

384200

SECTION 119A, HIGHWAYS ACT 1980 - RAIL CROSSING DIVERSION ORDER

PROPOSED DIVERSION OF FOOTPATH 15, WOOL

THIS MAP IS NOT DEFINITIVE AND HAS NO LEGAL STATUS

Ref: 16/11

Date: 13/07/2016

Scale 1:500

Drawn By: CAM

Cent X: 384164

Cent Y: 86843

GEOGRAPHICAL INFORMATION SYSTEMS



Dorset County Council

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SUMMARY OF CONSULTATION RESPONSES**Responses opposing the proposed changes**

Name	Comments
Jacqui Leaton Local resident	Application is retrospective as new bridge already in situ - huge monstrosity out of place in rural setting. Was bridge subject to planning permission? Bridge encroaches onto East Burton Road, barriers erected against highway. No footpath from Laurence View to the bridge. Bridge provided specifically for caravan site. No regard for safety of anyone approaching from East Burton Road. Network Rail has created an eyesore and made highway less safe for pedestrians and vehicles. Feels it is pointless to object to the diversion of FP15 at this stage, urge Network Rail and Highways to consider safety of all road users particularly pedestrians and make necessary improvements but wishes to register objection to proposal.
Valerie Palmer Local resident	Bridge is eyesore not suited to environment. It has made East Burton Road a much more dangerous place to walk and drive with metal railings more appropriate to a motorway than a country road. New bridge will deposit pedestrians straight onto road much closer to dangerous bend close to the new houses at Laurence View.
Victor Sibley Local resident LATE RESPONSE	Bridge is a "monstrosity", not in keeping with rural nature of area. Has not seen anyone using it. Dangerous situation has been left in East Burton Road with loose material on new footpath, no lighting and no safety rail.

SUMMARY OF CONSULTATION RESPONSES

Other responses

Name	Comments
Southern Gas Networks	Provided plans showing gas mains.
Wessex Water	Has no infrastructure in the vicinity of the footpath diversions
BT Openreach	No recorded plant in area of interest and no objection to proposals.
Open Spaces Society	Regrets that the new bridge does not allow wheelchair users or prams. Notes that cycle gutters not yet installed.
The Ramblers	No objection. Note that bridge is to have cycle gutter and new footpath will run along on north side of bridge along East Burton Road.
Wool Parish Council	Came to agreement with Network Rail in 2014 on closure of FP 14, improvements at Wool West (Baileys Drove) and diversion of FP 15. Notes that new footpath along East Burton Road has not yet been constructed. Footbridge was constructed 0.5 metre out of alignment requiring a traffic barrier – this obstructs route from Whitemeads Caravan Park to new bridge.
Claire Pinder, Senior Archaeologist	There are at present no recorded archaeological finds or features or historic buildings on or in the vicinity of the routes affected by this proposal.

SUMMARY OF ISSUES RAISED AT MEETING ON 20 MARCH 2017

ISSUE	OFFICER COMMENT
New bridge is an eyesore and is not in keeping with its setting.	The design of the bridge is set out in Network Rail's response sent to consultees*.
Assertion that the bridge is not needed and that it is not well used apart from by residents of the caravan park.	<p>Surveys carried out by Network Rail have shown that the crossing is regularly used by local residents throughout the year with use increasing from an average of 16 people a day in winter to 69 people a day in summer.</p> <p>This level of use justifies the installation of a bridge at this location.</p>
Criticism that the bridge is not accessible for wheelchairs.	<p>There is insufficient land available to construct a bridge accessible to wheelchairs and mobility vehicles. The nearest crossing point for wheelchair users is approximately 210 metres east of point A at the level crossing for vehicles adjacent Wool train station, Wool MCB-CCTV (Manually Controlled Barriers CCTV), which is controlled by barriers.</p> <p>Although the new bridge is not accessible to wheelchairs it does represent an improvement in the safety of the crossing for many users.</p>
Query about the new footpath running east and west from point G - is it to be hard surfaced?	The new path is to be adopted by Dorset County Council as public highway and will be maintained to a suitable standard.

Network Rail's response to objectors

SECTION 118A, HIGHWAYS ACT 1980 - RAIL CROSSING EXTINGUISHMENT ORDER PROPOSED EXTINGUISHMENT OF FOOTPATH 14, WOOL.

SECTION 119A, HIGHWAYS ACT 1980 - RAIL CROSSING DIVERSION ORDER PROPOSED EXTINGUISHMENT OF FOOTPATH 15, WOOL.

Pre-consultation responses.

1. Darkies Level Crossing.

A number of options have already been considered at the crossing, including automatic barriers, installing a stepped footbridge with lifts, Miniature Stop Lights, an underground subway and a footbridge. However, the most viable option was found to be direct closure.

a. **Footbridge (Feasibility Estimate of circa £2M).** Having studied the feasibility of a range of footbridge options, a stepped footbridge would appear to be the most technically feasible. The following factors should be noted:

1. Limited land available. The recommended design would require an estimated 19m span. Both sides of the crossing are very close to third party land, the securing of which would be a risk for further stages. The land on the northern side of the crossing on which the footpath is situated is currently unregistered with unclear legal status and which ownership we are not able to ascertain.
2. Bespoke designs would be required, so as to meet aesthetic requirements. The structure would certainly be higher than average tree height and likely to be viewed as un-aesthetic as a result.
3. Train impact protection would be required due to the proximity of running rails (i.e. those upon which the train actually runs).

b. **Lifts** are not a feasible solution at Darkies crossing because the level crossing is not at a station, therefore the lifts cannot be monitored by station staff for any issues. Should the lifts break then people will not be able to cross the railway until it is resolved, and people may be trapped inside. This is not a safe option. As these lifts will be in use by the public at all times of the day, not just passengers during the station operating hours, there is a significantly higher risk of vandalism and misuse.

c. **Locking gates/CCTV barriers** are wholly unsuited to a location such as Darkies, and are primarily intended for use at vehicular crossings called 'User worked crossings' where a user is required to request permission from the controlling signaller to cross the railway and can then operate the gates to open and close without having to traverse the railway multiple times to open and close the gates. In a location such as Darkies, this would be completely impractical. More generally, there would be a risk that pedestrians could become trapped 'lineside' (between the gates and on or close to, the tracks) with any form of interlocked gates. Network Rail does not consider this a sensible or safe way forward to control risk at Darkies crossing.

d. **Subway (Feasibility Estimate of between £4M and £6M).**

- i. The construction of a subway would have significant impact on the local environment and lineside neighbours.

- ii. There is insufficient lineside land available in order to build an effective structure.
 - iii. Given the layout of land, proximity of watercourses and susceptibility to flooding of that particular location, an underground structure would be very likely seriously affected by flooding.
 - iv. Subway drainage would require regular maintenance and possible lineside intrusion to clear.
- e. **Miniature Stop Lights (MSLs) (Feasibility Estimate of approx. £450K (overlay system) or £1.7M (integrated))** do not fully control the risk as there is an unavoidable reliance on users obeying the lights and signage. Experience at other crossings indicates that we cannot be confident users will obey these safety indications. This is backed up by research that shows, counter-intuitively, the highest rate of collisions occur at footpath crossing with MSL in situ. This could in part be due to MSLs usually being installed at crossings with a higher risk and a higher number of users. A cyclist rode onto the crossing and was struck and fatally injured by a passenger train travelling at 100mph over Motts Lane Bridleway level crossing, Witham, Essex, on 24 January 2013. It was dark at the time but the MSLs at the crossing were showing red and the audible warning was sounding. (RAIB report 01/2014). Furthermore, the cost of this scheme would be disproportionate to the level of risk reduction achieved, thus presenting a negative cost benefit analysis for this option. This is vital given that Network Rail is a public company and are beholden to the tax payer and parliament, and therefore must demonstrate a responsible management of fiscal matters and investment.

2. Wool Footpath Level Crossing

- a. Designs and aesthetics of the footbridge.

As a public body, Network Rail has an obligation to provide a cost-effective, suitable and safe solution. The footbridge built meets such requirements, although it is clearly visible, it is designed in a way which ensures that its impact on its surroundings and privacy of nearby properties is minimal whilst providing a safe and convenient means of traversing the railway.

The bridge eliminated the need to negotiate stiles and to cross the railway at a grade thereby removing the risk of being hit by a train at that location, it has a non-slip, even surface on the approach with compliant steps, as well as handrails to compensate for the level difference. Additionally, it is equipped with lighting with minimal lux levels, to avoid light pollution in the area. Previously, the public right of way over the crossing had no such facilities which were both a safety and security concern. Therefore, provision of the abovementioned features presents a significant improvement to the County's right of way network.

The proposed footbridge scheme has already been modified in response to feedback from residents during consultation. We have provided privacy screening to minimise as far as possible any intrusion from users of the crossing to local properties, and a lighting scheme to assist users in navigating the bridge and footpath safely.

Unfortunately it is not possible to provide an efficient structure which would keep in completely with its surroundings or a heritage-like bridge.

Further detail of the design:

- **Surface** on footbridge main span and stairs is non-slip with a waterproof finish. Nosing at the top and bottom of each flight of stairs is yellow contrasting with the intermediate steps which are white. Surface is in accordance with NR standards, *DFT Accessible Train Stations Design for Disabled People*. Corduroy tactile paving was provided at the top and bottom of the stairs with a colour contrasting with the structure, in accordance with *DFT Guidance on the use of Tactile Paving Surfaces*.
- **Handrails** has an insulating coating of 'not cold to touch' type and the colour complies with NR standard, BS8400, Building Regulations and the Requirements of the Equality Act.
- **Paint system** installed in accordance with NR standards and to achieve a minimum of 25 years service life.
- **Electrical** design was in accordance with NR, BS7671 and CIBSE design standards. Electrical equipment is vandal proof enclosure.
- **Lighting** design was in accordance with NR and BS5489/EN12464 design standards. Due to the surrounding treeline and the low level cess areas the lighting comprises handrail LEDs.
- **OLE Protection** was provided with a 1800mm high protective screening (parapet) on the bridge span complying with NR and Railway Group standards and European Legislation EN50122 to mitigate the risk of electrocution of users over OLE lines.

Network Rail 2014 Risk Assessment

Level Crossing Name/Type	Wool FP			
Line of Route	Bournemouth - Weymouth			
ELR/Miles/Chains	BML2 126m 03.5ch			
OS Grid Reference	SY			
Description <i>This should include as a minimum: Public/private status, environmental and geographical detail, asset condition and equipment provision, ALCRM census detail and user type; specific reference to include vulnerable and/or encumbered usage.</i>	<p>Wool FP is a styled public footpath and is located in the centre of Wool village. The crossing is on the double track line between Wool and Moreton with a line speed of 85mph.</p> <p>The crossing decking is wooden with anti-slip boards attached.</p> <p>The required sighting distance for the crossing is 320m in each direction. From the upside looking at up trains approaching the actual sighting distance is 227m and for down trains approaching it is 208m. On the down side the actual sighting distance for approaching up trains is 229m and for down trains it is 229m. Due to the actual sighting distances being less than required whistle boards are provided for each direction.</p>			
Current Risk UWC	ALCRM score	C6	FWI per year	1.83611894E-4
	Key Risk Drivers	Sun glare and low sighting time.		
Required Sighting Distances / Measured	Pedestrians	320m / 208 minimum		
Current Control Measure(s) <i>This could include for example: Complaint sighting, whistle boards, miniature stop lights, fixed telephone provision etc...</i>	<p>Whistle Boards.</p> <p>Negotiations have recently taken place with the Wessex area level crossing team, Dorset County Council and Wool parish council with the aim of closing Wool footpath and replacing it with a suitable footbridge. The proposals given by NR have been accepted by Wool parish council.</p>			
Usage	<p>The crossing is used primarily by local residents who live near to the crossing on the north side of the line to access the village amenities. During the summer months it is also used by the residents of the nearby campsite to access the village and the nearby Ship Inn public house.</p>			
Proposed Control Measure(s)/ Enhancement(s) <i>This could include for example: closure via diversion or bridging,</i>	<p>Options considered are detailed below.</p> <p>Do Nothing, ALARP:</p> <ul style="list-style-type: none"> • No Cost • No reduction in Risk 			



relocation of whistle boards, provision of miniature stop lights, provision of decking, straightening/re-aligning the crossing deck, guide fencing provision etc...

Installation of MSL:

- Medium Cost
- Small reduction in risk

Closure of crossing with replacement footbridge.

- Medium Cost.
- Permanent removal of risk.

Recommendation:

Negotiations and discussions have been taking place over the last 6 months with the local councils with regards to three foot crossings in the Wool area. These are Wool FP, Baileys Drove FP and Darkies FP. Proposals have been tabled by NR to the local council that Wool and Baileys close, a replacement footbridge constructed in the area of Wool FP and that Baileys be upgraded with MWL's. These proposals have been agreed in writing by Wool District Council

Due to these negotiations, with DCC and Wool Parish Councils, where the closure (with replacement footbridge) has been proposed, and accepted, it is recommended that this is the option to be progressed.



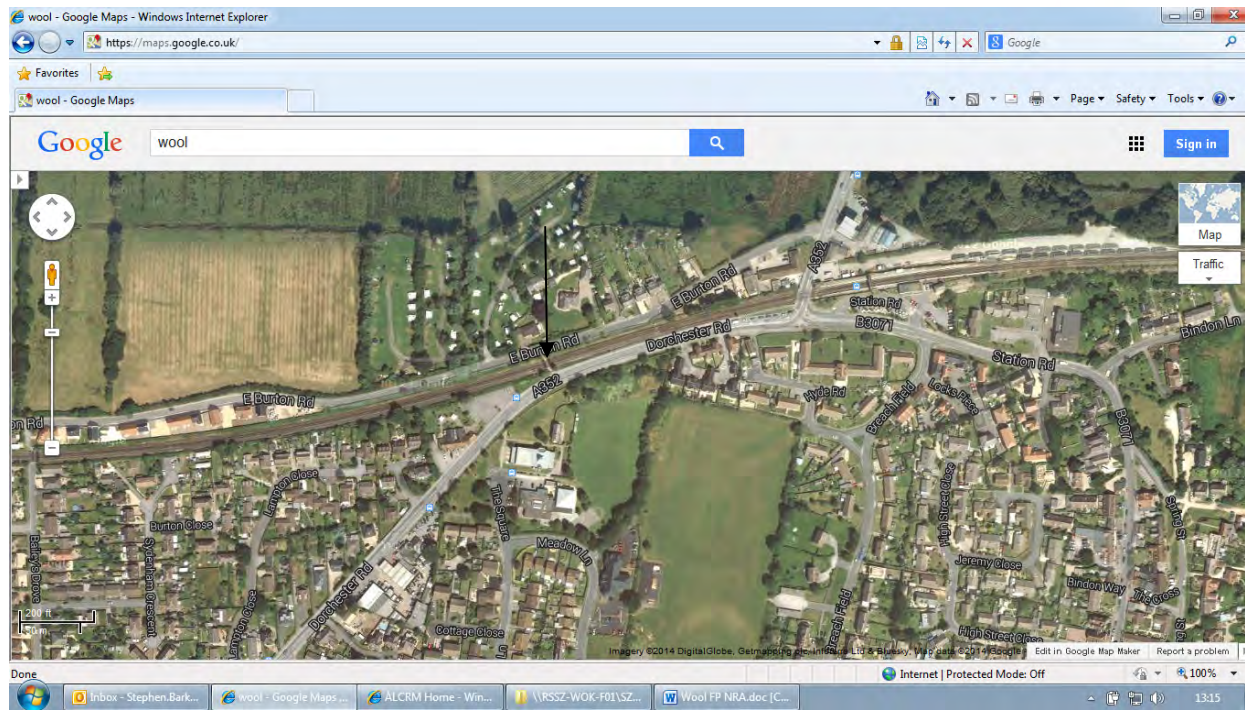
National Level Crossing Team

If we can't close a level crossing, let's make it safer.

Control Measure Overview

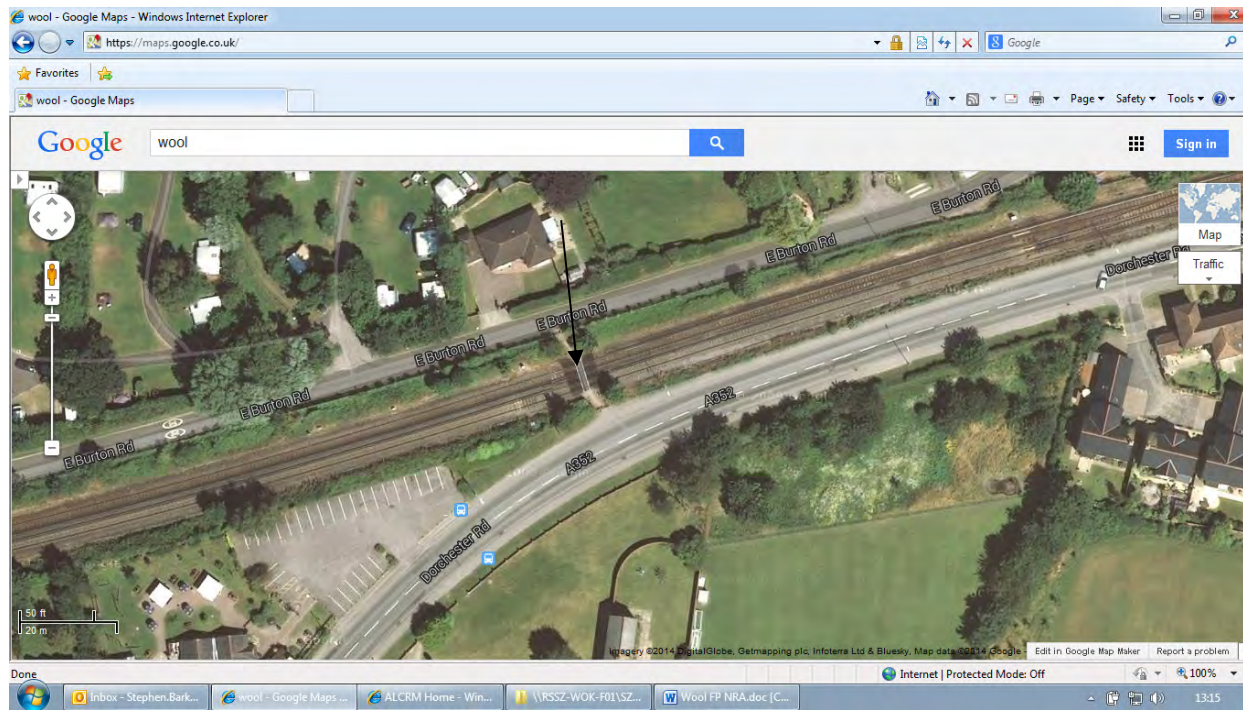
Level Crossing Name	Type	ELR	Miles	Chains	Proposed Control Measure(s)/Enhancement(s)
Wool	FP	BML2	126	3.5	Upgrade to MSL: <ul style="list-style-type: none"> • ALCRM Risk Score D6 • Safety benefit (Change in Risk Reduction) 8.11619E-5 • CBA Score 0.01
Wool	FP	BML2	126	3.5	Closure by provision of a footbridge: <ul style="list-style-type: none"> • ALCRM Risk Score M13 • Safety benefit (Change in Risk Reduction) 0.000183612 • CBA Score 0.20





National Level Crossing Team

If we can't close a level crossing, let's make it safer.



National Level Crossing Team

If we can't close a level crossing, let's make it safer.

Upside Looking in down direction



National Level Crossing Team

If we can't close a level crossing, let's make it safer.

Down side looking in up direction



National Level Crossing Team

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