

# Individual Decisions

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The attached reports will be taken as an Individual Portfolio Member Decision on:

**24<sup>th</sup> August 2009**

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<b>Ref:</b>	<b>Title</b>	<b>Portfolio Member(s)</b>
ID1844	<b>Making of Permanent Traffic Regulation Order to prohibit all public use of Public Bridleway Thatcham 18 'at-grade' Rail Crossing (by Kennet Heath Housing Estate, Thatcham)</b>	Councillor David Betts



## Individual Executive Member Decision

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<b>Title of Report:</b>	<b>Making of Permanent Traffic Regulation Order to prohibit all public use of Public Bridleway Thatcham 18 'at-grade' rail crossing (by Kennet Heath Housing Estate, Thatcham)</b>
<b>Report to be considered by:</b>	Individual Executive Member Decision
<b>Date on which Decision is to be taken:</b>	24 August 2009
<b>Forward Plan Ref:</b>	ID1844

### Purpose of Report:

To consider comments received to a proposed permanent Traffic Regulation Order to prohibit all use of the above bridleway at-grade rail crossing, and to decide whether the Order should be made.

### Recommended Action:

That the Executive member for Highways, Transport and ICT resolves to approve the making of a permanent Traffic Regulation Order to prohibit all public use of public bridleway Thatcham 18 at-grade crossing.

### **Reason for decision to be taken:**

To enable what is considered to be a dangerous crossing to be physically closed to the public.

**Statutory:**

**Non-Statutory:**

**Other:**

### **Other options considered:**

1. Do nothing - this will mean the crossing will be open to public use once more when the current temporary closure ends on 13<sup>th</sup> September 2009
2. Ask the Secretary of State to extend the existing temporary closure beyond 13<sup>th</sup> September 2009 - this may be necessary to keep the crossing closed if a permanent Order cannot be made before 13<sup>th</sup> September 09.

### **Key background documentation:**

Individual Decision 1844 Report  
Eight objections and one conditional support letter

Portfolio Member Details	
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### **Implications**

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<b>Policy:</b>	Public Safety is the overriding factor in this matter.
<b>Financial:</b>	If an Order is made it will be advertised in the local press, the cost of which can be funded from existing budgets.  Should an objector make a challenge to the validity of the order, significant costs may be incurred in defending the Council's position on this matter, to be met from existing budgets.
<b>Personnel:</b>	None arising
<b>Legal/Procurement:</b>	Objectors may seek to challenge the Order if it made but the reasons for making it are considered to be valid.
<b>Environmental:</b>	None arising
<b>Partnering:</b>	None arising
<b>Property:</b>	No material effect - a part of the alternative footbridge route already crosses Council-owned land
<b>Risk Management:</b>	Network Rail have carried out an assessment of the crossing, which is deemed to be significantly more dangerous than the national average.
<b>Community Safety:</b>	This matter has community safety implications that are explored in the report.
<b>Equalities:</b>	An Equality Impact Assessment has been prepared in relation to this matter - see Appendix C

### **Consultation Responses**

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<b>Members:</b>	
<b>Leader of Council:</b>	none
<b>Overview &amp; Scrutiny Management Commission Chairman:</b>	none
<b>Select Committee Chairman:</b>	none
<b>Ward Members:</b>	none
<b>Opposition Spokesperson:</b>	none

**Local Stakeholders:** objectors - no further comments to this report

**Officers Consulted:** Neil Stacey (Senior Engineer - Traffic & Road Safety), Mark Edwards (Head of Highways & Transport), Paul Hendry (Countryside Manager), Elaine L Cox (Senior Public Rights of Way Officer), Bill Jennison (Head of Countryside & Environment), Michele Sherman (Legal Executive), Liz Patient (Solicitor)

**Trade Union:** n/a

**NOTE: The section below does not need to be completed if your report will not progress beyond Corporate or Management Board.**

<b>Is this item subject to call-in.</b>	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval		<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council		<input type="checkbox"/>
Delays in implementation could compromise the Council's position		<input type="checkbox"/>
Considered or reviewed by OSC or associated Task Groups within preceding 6 months		<input type="checkbox"/>
Item is Urgent Key Decision		<input type="checkbox"/>

## Supporting Information

### 1. Background (please see Background Document ID1844 referenced at end of this report)

- 1.1 A public bridleway\* crosses directly over the railway line via an unmanned 'at-grade' crossing by the new Kennet Heath housing estate at Thatcham. There is a tarmac path between the crossing and the new estate 100 metres away that passes directly through a recreation area and past a children's playground. There is a well-used footbridge next to the at-grade crossing with a cycle-groove. Network Rail has voiced concerns that the at-grade crossing is dangerous and that the likelihood of an accident has increased since the estate was built, largely due to concerns about increased population (and use) and children and young adults congregating and playing in the area. A temporary closure of the at-grade crossing has been in effect since 13<sup>th</sup> March 2009 and will end on 13<sup>th</sup> September 2009. There are calls for a permanent closure to follow on immediately from the temporary closure.

\*The public have a right to use a public bridleway on foot (with usual accompaniments such as pushchairs and dogs), horse and bicycle. The public also have a right to take wheelchairs and mobility scooters along a public bridleway, although there is no guarantee that the surface will be suitable for these.

- 1.2 Following the approval of report ID1844 by the Individual Executive Member Decision for Highways, Transport and ICT, a proposed prohibition of use, under section 1(1) and 2(1)&(2) of the Road Traffic Regulation Act 1984 (RTRA1984), was duly advertised.

- 1.3 Under section 1 and 2 RTRA1984 West Berkshire Council has the power to make an Order prohibiting use of a public bridleway (which is a form of road for the purposes of the Act) **'for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising' (1(1)(a) RTRA1984).**
- 1.4 The written responses received are included in appendix A.
- 1.5 As the proposal has been opposed the objections must now be considered by the Executive Member before a final decision is made on how to proceed.
- 1.6 For the purposes of clarity in this report the bridleway rail crossing proposed for closure will be referred to as the 'at-grade' crossing. The rail-crossing at Thatcham Station that is open to all traffic, including walkers, horses, bikes and motor vehicles will be referred to as a 'level-crossing'.

## **2. Responses to Statutory Consultation (Appendix A)**

- 2.1 Objections were received from the British Horse Society, three separate Thatcham residents, a Newbury resident, SPOKES (a local cycling interest group), Living Streets (pedestrian charity) and West Berkshire Disability Alliance. The local Ramblers' Association sent in a letter of conditional support. A response to all the general points raised is included in Appendix B of this report.
- 2.2 The key points of objection relate to the accessibility of the footbridge adjacent to the at-grade crossing. This footbridge has 3 flights of steps on either side. Objectors point out that certain potential users (such as those with wheelchairs or prams, horse-riders, or those unable to push heavily-laden bikes over the bridge) will find it impossible to cross the bridge and others (e.g. pushchair users, cyclists people with heavy fishing equipment) may find it awkward to negotiate and decide not to use the route at all. Please see Appendix C - Equality Impact Assessment.
- 2.3 There is no specific indication that anyone has actually used the at-grade crossing who is now unable to use the adjacent footbridge. Two of the objectors do point out that they find it awkward/hard to push their bikes over the bridge.
- 2.4 The footbridge provides a suitable alternative to the at-grade crossing for the majority of users and is well used by walkers (often with children or dogs) and cyclists. It was installed in 2006 as a safe alternative route for those identified as being most likely to cross the railway. Whilst most users have since used the bridge, the at-grade crossing was still open and useable by unsupervised children from the adjacent play area and housing estate, prior to the current temporary closure. In the weeks prior to the current temporary closure of the at-grade crossing, the majority of people were observed to favour using the bridge (Appendix E of Background document ID1844) instead of walking directly across the tracks; this included people of all ages, including dog walkers, cyclists, a man on crutches, and adults with children. The bridge continues to be well used.
- 2.5 Whilst it is recognized that adapting (or replacing) the bridge to improve accessibility would satisfy the majority of the eight objectors, this would be a very expensive procedure (estimated as somewhere in the region of £½ Million and £1 Million) and there are not enough funds available to do so. It has also been established that to

adapt the bridge for equestrian use would not be technically possible; a new bridge would be required.

- 2.6 Re-opening the at-grade crossing following the end of the temporary closure on 13<sup>th</sup> March 2009 would enable those unable to use the steps on the bridge to try and use a crossing point that Network Rail have already identified as being significantly more dangerous than a standard crossing. It should also be noted that when the crossing was open prior to 13<sup>th</sup> March 2009, users were required to negotiate two sprung, self-closing gates, to pass over the coarse gravel surface laid either side of the tracks, and to get on and off a raised wooden platform over the rails. It is arguable that many of those unable to use the bridge would find it hard or impossible to cross the tracks anyway, regardless of issues with oncoming trains. One mobility scooter user has complained about being unable to use the bridge and stated that he used the alternative 'road' level-crossing by Thatcham Station, 1 kilometre away, instead – i.e. he did not see fit to use the bridleway at-grade crossing that is now proposed for closure.
- 2.7 Keeping the at-grade crossing open will only be of material benefit to those users who are unable to use the bridge but are willing and able to risk using the at-grade crossing (no such specific individuals have been identified). However, keeping the crossing open for these users will mean that the risk remains to those considered most vulnerable - the children and young adults who congregate and play by the railway. In this case, play has been reported to involve throwing stones at passing trains, laying piles of stones on the tracks, and playing 'chicken' with oncoming trains. Groups of children and young adults are reported to congregate on and around the bridge, and there are reports of petty vandalism to fencing, saplings and gates in the area (this included a section of fencing laid across the entrance to the crossing that was erected at the start of the temporary closure in March 2009). There are also concerns that unsupervised children may try to cross the tracks for legitimate reasons, but may not exercise the necessary due care and attention. Seeing as Network Rail has identified the margins for error to be extremely small in the face of oncoming fast trains, this is a very undesirable situation.
- 2.8 A permanent Traffic Regulation Order to keep the crossing closed will mean that the at-grade crossing can remain physically closed off, and longer term improvements can be made to improve the railway fencing on both sides. One section of fencing erected as a part of the temporary Traffic Regulation Order has already been vandalised, but was replaced with something more substantial and has since remained intact.

### **3. Other factors**

- 3.1 The Ramblers' Association has noted that the footbridge is not recorded as a public right of way on the Definitive Map and Statement. There is an intention for this to be done – correspondence regarding a formal dedication agreement has been entered into with Network Rail.
- 3.2 One objector queries whether a closure is necessary seeing as she is unaware of any accidents on the crossing. It should be noted that the adjacent housing estate has only been completed recently. It replaces what was previously a Ministry of Defence depot, and has greatly increased the local population and expected levels of use. Whilst the footbridge was provided to encourage people away from the at-grade crossing, recent concerns raised by Network Rail about an increased trend of

abuse, coinciding with completion of the development, together with the proximity of the play area and heavy use, has led to calls to close the crossing altogether before there is a fatality or serious accident.

#### **4. Conclusion**

- 4.1 Network Rail have identified the at-grade crossing as being significantly more dangerous than a typical crossing due to the proximity of a bend in the track to the east and oncoming trains travelling at varying speeds, making the time between first seeing an oncoming train and it reaching the crossing less than the time needed to cross the track in certain cases.
- 4.2 The recent development of a large housing estate and associated play area adjacent to the at-grade crossing raises levels of expected use, and increases the potential for misuse - Network Rail have reported several instances of misuse since completion of the development.
- 4.3 Certain potential users of the at-grade crossing will be unable to use the adjacent footbridge which provides most users with a convenient alternative to the at-grade crossing.
- 4.4 The concerns over safety on the at-grade crossing override the concerns over accessibility of the adjacent footbridge.
- 4.5 A permanent Traffic Regulation Order to prohibit all use of on public bridleway Thatcham 18 at the at-grade railway crossing by Kennet Heath Housing Estate should be made on safety grounds.
- 4.6 In light of the concerns raised over accessibility across the railway, there will be an annual review each April to monitor the need for additional crossing facilities and to seek to build up funds accordingly through the West Berkshire Capital Programme and through external sources.

#### **Background Documents**

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Appendix A – Objections and letter of Conditional Support

Appendix B – Responses to objections & queries raised

Appendix C – Equality Impact Assessment report

#### **Other**

Individual Decision Report 'ID1844' (decision made 23<sup>rd</sup> April 2009) – available on the internet at: <http://www.westberks.gov.uk/CHttpHandler.ashx?id=18650&p=0>



## Appendix A,1 – Objections/Conditional Support, Thatcham 18

**Objection from British Horse Society**

We object to the closure of the at-grade railway crossing from an equestrian viewpoint. We recognize that there are a number of other viewpoints to be taken into consideration but it is not the BHS's role to address these and reach a final conclusion about whether the crossing should be closed. However we make some additional general comments in the attached addendum.

We are in receipt of the letter from the Council dated 26 May 2009. We are also in receipt of the paper dated 9<sup>th</sup> April 2009 'Safety of railway level crossing by Kennet Heath Estate' which we received via Councillor Tony Vickers, not the Council.

Our reasons for objection are:

1. The Thatcham 18 bridleway is the **only definitive off-road crossing of the Kennet Valley for equestrians** (and we believe cyclists) on the east side of Newbury. No alternative has been offered in its place. The current bridge here does not accommodate equestrians. Therefore their only off-road route is the at-grade crossing.
2. It has not been possible, so far, to **compensate equestrians for the loss of access across the Kennet valley** which this order would bring by provision of a new bridleway which would enhance the bridleway network in this area, for example, a connection between Thatcham bridleway 18 and 25. There are at least 32 horses kept at equestrian establishments in the immediate vicinity at Chamberhouse Farm and

Waterside Farm. Others from the surrounding area may wish to cross the Kennet Valley if a safe and attractive route was available.

3. It is our opinion that, at present, **the current at-grade crossing at Thatcham 18 is the safest way for equestrians to cross the railway line through the Kennet Valley** east of Newbury. Equestrians can use the track-side phone and cross only when trains are not in the area. They are unlikely to cross without using the phone or 'play' on the crossing. At-grade railway crossings are used elsewhere, for example on the promoted Mid Shires Way. One of our bridleway officers regularly crosses the east coast mainline to access bridleways on the opposite side to the fields to where her horses are kept. However, the track side phone area needs to be re-designed to support equestrian access, not left as the impractical arrangement that is there now.

Crossing the railway line on the road at the Thatcham station crossing is more risky for equestrians than at the Thatcham 18 crossing. They share with motorised traffic there, are uncertain when the barriers may come down and waiting places there are less safe than at bridleway 18.

Whether an upgraded bridge would be better for equestrian safety than the existing at grade crossing is arguable. If made physically usable for equestrians, they would be crossing without any knowledge about when a train would pass underneath, assuming the track-side phones were removed. This could happen after they have started to use the bridge and its ramps. This would not be such a problem with a bridge built of concrete/stone but the metal bridge would echo and possibly physically shake. Thus we have doubts about the value of upgrading the present bridge for equestrian use although some might use it. However, if the bridge is to be upgraded, this should be done to take equestrians. Track-side phones should be retained and mounting blocks built.

With respect to point 2 above, we appreciate the considerable efforts of the Council to try to obtain a link between Thatcham 18 and 25. We note the arguments in the report by Rhoda Barnett. However:

- a. we suggest that permissive access is now pursued for equestrians and cyclists on the Wallis Trust land for the time that this land remains undeveloped. If a permissive path was obtained, we would remove our objection. The well-defined tracks on the land show that this land is already being used by walkers, if not cyclists. Entrance is gained alongside the gate at Thatcham railway station and from the tow path. Cyclists already have permissive access to the towpath but the towpath is less than one metre wide near the lock, has watercourses on both sides with steep drops and the bank is eroded in one place. However, the Council / British Waterways do not seem to be worried about the danger of walkers & cyclists sharing this narrow path. A permissive path on the Wallis Trust land for cyclists and equestrians would remove this safety issue.
- b. The report states 'there is nowhere for them (equestrians) to go north of the railway'. This is not true as horses are legally allowed on all roads except motorways. While we accept that riding around a housing estate may not be the normal desire of most horse riders, riding through a housing estate to get to a more desirable location is perfectly acceptable. It is safer than riding on many rural roads where the speed limit is 60mph. Not only are there equestrian establishments at Chamberhouse Farm and Waterside Farm on the southern border of Thatcham, there are equestrian establishments on the northern edge of Thatcham at Henwick. The latter have 3 kilometres of road to ride before they get to the nearest green space northwards

with public rights of way at Westrop Green. This includes using the traffic chicanes on Hermitage Rd, Cold Ash. It is a similar distance southwards to the start of Thatcham 18 using housing estate roads. Provision of Greenways (usable by all non-motorised users) would achieve non-motorised access through Thatcham for all and enhance the ambience of Thatcham and encourage non-motorised transport & recreation. The Peterborough Green Wheel is an example. However, Thatcham bridleway 18 appears to have been 'lost' at its northern end and the map show that it has even been built on. This is counter-productive when we are trying to get people out of cars etc.

In conclusion, we will continue to object to the closure of what is the only bridleway crossing of the Kennet Valley and the railway line east of Newbury unless (in order of preference):

- An alternative bridleway across the Kennet valley and the railway line is provided at a suitable location east of Newbury or
- A permissive bridleway link is provided between Thatcham bridleways 18 and 25 or
- A bridge suitable for equestrians is provided at Thatcham 18.

### **Objection from Mr Andrew Laidler – Thatcham resident**

I object to the proposals on the following grounds:

- (1) As a regular cyclist from Thatcham out to Greenham Common, this is a loss of amenity
- (2) The bridge is not adequate for cycles, prams, fishing trolleys etc. In particular the "cycle channel" on the bridge is far too narrow and makes getting a cycle over the bridge more difficult than carrying a bike.
- (3) It also means that all but the most able bodied are not able to cross the bridge with either cycle or push chair.
- (4) This means that families planning to cycle need to make multiple trips across the bridge to carry all the bikes, where the crossing was much quicker and easier.
- (5) In fact one used to regularly see fishermen at the crossing earlier in the morning. These for a short period were caught out by the closure and spent a significant time unloading trolleys and carrying the contents over the bridge, now I suspect these people have been forced into their cars.
- (6) At a time when we should be encouraging young people into the outdoors for recreation it effectively forces a number of groups from Thatcham into their cars to access the local countryside on anything but foot
- (7) The closure of the crossing is pandering to the poor parents in the area who cannot teach their children safety and trust the children to stay away from the track unless supervised.
- (8) If (as the National rail and local councillors state) the reason for the closure is because of the increased population in the Kennet heath area, then the fund created by the builders to improve local infrastructure where necessary should fund the creation of a proper cycle, pram and fishing trolley accessible bridge.
- (9) It seems very strange that money has recently been spent upgrading the path between this crossing and the canal, when the bridge removes the ability for anyone who needs the improved access to get to the path.
- (10) The crossing has been in consultation before for closure and all these points were raised then, with the conclusion that it should remain open. The only change since then has been the increase in population. Had the planning for the development on Kennet Heath stated that the bridleway would be closed, there would have been significantly more opposition – it is unreasonable to make these changes by stealth after the event without providing adequate alternative arrangements.

## Appendix A,3 – Objections/Conditional Support, Thatcham 18

- (11) This Sunday afternoon (intermittent rain) I watched the bridge for around 15 minutes and saw at least 10 people struggle across the bridge with cycles. This shows that there are a significant number of people who use this route with cycles.
- (12) The channel for cycle wheels up the bridge is so narrow that it is almost impossible to keep a reasonable size bicycle tyre in the trench. It is also so steep that it is more difficult to push a cycle than carry it.

In summary, the closure of the crossing is a loss of amenity which forces a number of people wanting to access the canal route and Greenham Common into their cars. This is inappropriate at a time when we should be encouraging self powered access to the countryside given the health and environmental pressures on our society. Furthermore it is a loss of amenity which is a result of the Kennet Heath development and therefore the funding of a proper bridge should be from the appropriate fund created by the builders.

If the crossing is to be closed then a proper alternative facility which adequately caters for the users of the route must be provided. The existing cycle facilities on the bridge are appalling and have clearly not been designed or used by any serious cyclist.

### **Objection from West Berkshire Disability Alliance**

We the West Berkshire Disability Alliance strongly object to this closure. When the pedestrian bridge was proposed at this position it was shown on the drawing that the structure had been designed to allow for disabled ramps to be added at a later date.

The ramps have never been added, so wheelchair and scooter users have to use the level crossing to cross the railway line without the inconvenience of having to go to Thatcham Station.

The Access Panel commented on this bridge at the time and requested that the ramps be installed at the initial erection of the bridge. The highways department at the time went ahead and erected the bridge without the ramps

### **Objection from SPOKES (local cycling organisation)**

West Berkshire Spokes discussed the consultation re the TRO to close the "At Grade" Railway level crossing adjacent to Kennet Heath at its Committee meeting on Wednesday evening.

West Berkshire SPOKES:

- recognises that most cyclists will be catered for by the separate foot bridge with cycle channel - albeit steep and slightly threatening in its appearance
- notes that some cyclists (heavy laden, families with children, those with trailers, tandems, those with disabled adapted bikes) will be excluded from using a legal right of way
- notes that closure of the at grade crossing is therefore not in accordance with declared aims of increasing accessibility on public rights of way for all and may even eventually lead to declassification from bridleway to footpath

## Appendix A,4 – Objections/Conditional Support, Thatcham 18

- notes that alternative crossing points of the railway line are few and far between, particularly towards Newbury
- calls on West Berkshire Council / Network Rail to do all it can to re-open (in a safe and secure way) the at grade crossing for those who choose not to, or cannot use the footbridge. That safe and secure way must include secure gates, 24 hour phone access to information, level crossing of the railway tracks and informative and warning signage, all regularly checked.
- will only accept permanent closure of the at grade crossing if the bridge itself is enhanced by the addition of ramps to enable all (i.e. heavy laden, families with children, those with trailers, tandems, those with disabled adapted bikes) cyclists to use it.

Can you please ensure that these comments are incorporated and responded to in any consultation report.

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### **Objection from Mr Graham Smith - Newbury resident**

I have been heavily involved with West Berkshire Council in projects to encourage people to consider alternatives to the private car – notably with work on the Newbury, Thatcham, and Theale & Calcot Walking Maps. I object to the proposed order for the following reasons:

1. The nearby footbridge is only suitable for able-bodied walkers and cyclists with lightweight bicycles and is not available, for instance, to parents with buggies or to the disabled. The Council has not published a timetable for its improvement – in the absence of such plans the proposal is in direct conflict with the Council's Local Transport Plan objective of encouraging the use of alternatives to the private car.
2. The length of the detour via Thatcham Station level crossing that needs to be taken by those who cannot use the footbridge is unacceptable.
3. The crossing has track-side telephones which can be used by anyone who is at all uncertain of their ability to cross the railway before a train arrives. If improved safety measures are considered necessary, a simple indicator lamp system could be installed and/or remote controlled locks fitted to the gates.

This order is equivalent to diverting the route of the bridleway over the adjacent footbridge and prohibiting the disabled, parents with buggies, cyclists with loaded bicycles, and equestrians from using it – the Council is being dishonest in not advertising it as such.

If the Council were to proceed with this proposal it is likely that it would be laying itself open to action under disability discrimination legislation as well as to potential examination of the decision through the judicial review process. The legal costs involved could easily prove greater than the cost of upgrading the nearby footbridge.

### **Objection from Living Streets (pedestrian charity)**

Living Streets (The Pedestrians Association) objects to the proposed order on the following grounds:

## Appendix A,5 – Objections/Conditional Support, Thatcham 18

1. The only practical alternative route, the nearby footbridge, is only suitable for able-bodied walkers and is not available to the disabled or to parents with prams and pushchairs. The length of the detour that needs to be taken by those who cannot use it is unacceptable.
2. It is not appropriate to overcome problems of misuse by penalising legitimate users, especially the disabled. If it deems it impractical to make the crossing safe, the Council must resolve the situation in a proper manner by upgrading the footbridge.

### **Conditional Support from local Ramblers' Association**

The Ramblers support the closure of the railway crossing **on condition that** the adjacent footbridge is upgraded to cater for users of all abilities and that it becomes part of the definitive right of way network.

### **Objection from Mr & Mrs Harpin – Thatcham residents**

I was extremely disappointed to discover that the railway crossing in Thatcham by the new bridge has now been closed. I have been using this crossing for over 30 years and I am not aware of any incident ever occurring there, so cannot understand why I can no longer use it.

I have read your explanation of the curvature of the track and feel that this is just an excuse as the crossing has been there for so long without incident. In fact I feel there is a greater curve at the discovery centre crossing of the track and this one has not been closed.

I feel that the provision for cyclists is very inadequate and potentially quite dangerous; I found it extremely difficult to take my bike over the bridge. The steepness of the bridge makes your bike runaway quite fast on the decent which could easily cause someone to fall over causing serious injury.

It doesn't affect me directly but it must also be very difficult for people with pushchairs and those on horseback who have previously had access to this crossing.

I would very much appreciate it if you would take my points seriously and re-open the crossing as soon as possible.

## Appendix A,6 – Objections/Conditional Support, Thatcham 18

**Objection from Mrs D Sheppard - Thatcham resident**

I have just been informed that Bridleway 18, Kennet Heath to the Canal, is to remain permanently closed and not 'temporarily until September' as is stated on the notice. I am amazed that you can deceive people in this manner.

I cycle this route most evening and at weekends to attend to my horse which is stabled at Waterside Farm, the alternative route being through the housing estate and over the level crossing, which is much longer and much more dangerous. There is also no access for wheelchair users. To continue using the canal route I have to use the bridge which has been installed. Although a narrow ramp has been put in place I am not sure if you have had occasion to use this but it is very difficult to navigate as the handle bars on the bike end up high above ones head!

Another issue with this bridge is, due to the fact that a roof has been erected over the walkway, the youths tend to congregate there and consequently the floor is covered in broken glass so you have to carry your bike along the top! I also have to carry my dog across, when I take him for his walk to the canal!

As I am aware that there are many people in Thatcham, primarily on the Moors estate, who walk their dogs over to the canal towpath, who are not aware of this permanent closure, I feel that this 'proposed' closure should be made public knowledge and put to some sort of vote.

Please find listed overleaf a few names I have collected in the short time I have as I believe that the deadline for any objections is the 18<sup>th</sup> June.

Thank you for your time in reading this document.

**Appendix B,1 - Responses to Objections to proposed permanent prohibition of use of  
Thatcham 18 bridleway at-grade rail crossing**

**Objections**

**British Horse Society  
Three Thatcham residents  
One Newbury resident  
West Berkshire SPOKES (local cycling interest group)  
Living Streets (pedestrian charity).  
West Berkshire Disability Alliance**

**Conditional Support**

**The local Ramblers Association support the closure on the condition that the adjacent bridge is made accessible to all potential users and that the bridge route is formally recorded as a public right of way.**

	<b>Issue/query raised</b>	<b>Officer Comments</b>
1	Closure will require those unable to negotiate the adjacent footbridge to use the level crossing at Thatcham station if they wish to cross the railway	<p>This is correct.</p> <p>Prior to the current temporary closure in March 2009 the at-grade crossing required users to negotiate two self-closing metal gates, a coarse gravel surface and steps onto a raised wooden platform over the rails. This in itself was an obstacle to some users.</p> <p>Whilst some users that may have been able to use the at-grade crossing may be unable to use the footbridge, during site visits in the months prior to the temporary closure in March 2009, it was noted that the majority of users, including cyclists and dog walkers, of a wide variety of ages and abilities (one bridge user was on crutches) were choosing to use the bridge instead of the at-grade crossing.</p> <p>The level crossing at the Station is considered to be substantially safer than the unmanned at-grade crossing. There are wide footways leading from Kennet Heath Housing estate to the station crossing.</p>

**Appendix B,2 - Responses to Objections to proposed permanent prohibition of use of  
Thatcham 18 bridleway at-grade rail crossing**

	<b>Issue/query raised</b>	<b>Officer Comments</b>
2	Previous safety provisions were adequate (prominent advisory and warning signs, self-closing gates and track side telephones)	These safety measures assume that all users will strictly follow the procedures set out on site. In practice, there is nothing to prevent people from acting carelessly or recklessly at the crossing, or getting into unforeseen difficulties in front of oncoming trains. There are concerns over unsupervised children attempting to cross the railway, regardless of the safety measures.
3	The at-grade crossing should be opened with improved safety measures	There were already safety measures in place prior to the start of the temporary closure in March 2009. The next step of improvement would be a Miniature Safety Light warning system, which Network Rail have estimated will be outside budget, at a cost of £1 Million.
4	Why close the at-grade crossing if there have been no incidents?	Whilst there have been no reports of anyone being struck by a train at this crossing, there have been two recent collisions with dogs and increasing reports of incidents of misuse coincident with the advent of the new housing development and greatly increased population. The closure is proposed to prevent future incidents now that the local population and the potential for use has greatly increased.
5	Closure will go against aims to improve accessibility, encourage the young into the countryside and reduce the number of car journeys	Public safety is the overriding factor on this particular route. Significant general improvements (including the provision of the footbridge) have been made to facilitate access between the new housing estate and the canal towpath to the south. Further steps are to be taken to try to improve access between Thatcham and Greenham Common elsewhere.
6	The crossing remained open following an attempt to close it in 2005	This refers to a 2005 Order to extinguish the public bridleway over the at-grade crossing, carried out under different legislation. The objections in that case meant that the Council was unable to confirm the order.
7	Cyclists will find it harder to push their bikes over the bridge than to cross the at-grade crossing – heavily laden bikes and disabled bikes users may be unable to cross the bridge	The footbridge has a grooved ramp to make it easier to wheel bikes over the steps on the bridge. It is acknowledged that it may be harder to do this than cross the at-grade crossing, but a wide range of cyclists have been seen doing so and it is far safer option.



**Appendix B,3 - Responses to Objections to proposed permanent prohibition of use of  
Thatcham 18 bridleway at-grade rail crossing**

	<b>Issue/query raised</b>	<b>Officer Comments</b>
8	The footbridge should be upgraded to cater for all potential users	Whilst this is desirable, there are not sufficient funds available and to convert the bridge to equestrian use is not technically possible.
9	Youths congregate on the footbridge and leave broken glass	It has been noted that children and youths are reported to congregate and to play in the area, which is one of the reasons why the at-grade crossing is proposed for closure.
10	Signs on either side of the crossing state the crossing is temporarily close until 12 <sup>th</sup> September 2009, not that it will be permanently closed.	The at-grade is subject to a temporary Traffic Regulation Order between 13 <sup>th</sup> March 2009 and 13 <sup>th</sup> September 2009 –the Council was required to erect clear signs to state this. The proposed permanent closure was later advertised on site by means of luminous green notices prominently displayed at either side of the crossing. Contact details have been clearly displayed at each side of the crossing for anyone seeking further information.
11	The Council may be open to action under disability discrimination legislation & judicial review	The Council's chief concern in this matter is public safety. It has considered the issues and believes that in this case safety is an overriding factor.
12	Why has access to either side of the crossing been improved if the Council wants to close the level-crossing?	A new surfaced access route was laid as a part of development to the foot of the new bridge. The surface from the bridge to the canal to the south has since been improved as the bridge is well used. The surface of the bridleway linking to the north of the level-crossing has not been improved.
13	The adjacent footbridge is not currently recorded as a public right of way	The Council has now entered into correspondence with Network Rail to seek a formal dedication.
14	There should be a local vote on whether to close the crossing	The matter has been advertised on site and in the local newspaper. Various user groups have also been sent copies of the proposal.
15	The Council is being dishonest by not advertising this as a diversion of a bridleway onto a footbridge, and then prohibiting use by disabled, buggies, loaded bicycles & equestrians?	A diversion would actually require different legislation, and it is unlikely that the necessary criteria would be met. See Background Document ID1844 for a consideration of the alternative options that were considered to a permanent Traffic Regulation Order.



Appendix C,1 Equality Impact Assessment – permanent prohibition of use of Thatcham 18 bridleway at-grade rail crossing

### Ad hoc Equality Impact Assessment Template

*Note: In line with our comprehensive approach to equality, key policies and procedures are assessed for their impact on the six strands of equality: race; disability; gender; age; sexuality; and religion or belief. This template should be used to record evidence of an ad hoc assessment. For further information see 'general guidance on impact assessments' available on the intranet.*

#### Name of policy or function to be assessed:

Proposal to make a permanent Traffic Regulation Order to prohibit all use of public bridleway Thatcham 18 over the railway level-crossing by Kennet Heath Housing Estate, Thatcham for avoiding danger to users/preventing the likelihood of any such danger arising.

#### Is this an assessment of an existing policy or function, or a new one to be developed?

It is an assessment of a proposed new permanent Traffic Regulation Order to follow on from an existing, temporary Order that runs until 13<sup>th</sup> September 2009

#### Officers responsible:

Head of Service: Mark Edwards (Highways & Transport)	email: medwards@westberks.gov.uk
Lead Officer for Assessment: Stuart Higgins (Public Rights of Way, Countryside)	Email: shiggins@westberks.gov.uk
Teams involved: Traffic (Highways & Transport), Public Rights of Way (Countryside)	

#### Date evidence workbook was approved by Head of Service or Corporate Director

n/a

#### *Details of what has been assessed and how it has been assessed*

#### Copy of the policy or details of function assessed

This section should include the aims, objectives and purpose of the policy or function and the desired outcome:

**Aim:** for West Berkshire Council to make a permanent Traffic Regulation Order to prohibit all use of the railway level-crossing on Public Bridleway Thatcham 18 alongside the Kennet Heath Housing Estate in the parish of Thatcham.

**Objective:** for the permanent Order to run seamlessly with an existing temporary Traffic Regulation Order that ends on 13<sup>th</sup> September 2009 (i.e. to ensure that the crossing does not have to be re-opened to the public)

**Purpose:** Public safety

#### Evidence used for assessing equality impact

Outline what *existing* data has been considered to help assess the impact:

**The evidence comes from consideration of the physical nature of the existing highway network and a comparison of the physical nature of the level-crossing and available alternative routes**

**What forms of consultation have taken place? Who was involved?**

*NB: please consider both internal and external consultation*

**2009 consultation on the temporary Traffic Regulation Order currently in effect prohibiting all use** – this is a separate order but is still in effect, March-September 2009. It was advertised on 26<sup>th</sup> February 2009 in the Newbury Weekly News and by means of site notices at each side of the crossing. Various local bodies, local Ward Councillors and user group representatives were also consulted by post, as were Ward Councillors. Since the start of the temporary closure on 13<sup>th</sup> March 2009 the crossing has been fenced off and there have been large clear signs on either side stating 'Level Crossing Closed', with a direct telephone number provided for enquiries.

**2009 consultation on the proposed Permanent Traffic Regulation Order prohibiting all use**  
This was advertised on 28<sup>th</sup> May 2009 in the Newbury Weekly News and by site notices on either side of the crossing providing a contact telephone number and address for any comments that have been in place since that date. It was also published on the West Berkshire Council Consultation webpage. Various local bodies and user group representatives were consulted by post. All West Berkshire Ward Councillors were consulted during the decision making process on whether or not to seek a permanent closure.

**Outline the responses from the consultation and key findings from existing data.**

Written objections have been received from three Thatcham residents, one Newbury resident, the British Horse Society, Ramblers' Association, West Berkshire Disability Alliance, West Berkshire SPOKES (a local cycling group) and Living Streets.

Only the points of objection that relate specifically to this report (relating to race, disability, gender, age, sexuality and religion or belief) will be covered. The key point raised is that the footbridge is not a suitable route for certain disabled users, e.g those in wheelchairs, mobility scooters or for those with restricted mobility.

**Graham V Smith (Newbury resident)** *'the nearby footbridge is only suitable for able-bodied walkers and cyclists with lightweight bicycles and is not available, for instance, to parents with buggies or to the disabled.'*

**Graham V Smith (Newbury resident)** *'The length of the detour via Thatcham Station level crossing that needs to be taken by those who cannot use the footbridge is unacceptable.'*

**Andrew Laidler (Thatcham resident)** *'all but the most able bodied are not able to cross the bridge with either cycle or push chair', 'if the crossing is to be closed then a proper alternative facility which adequately caters for the users of the route must be provided'*

**Deana Sheppard (Thatcham resident)** raised the point that closure of the level-crossing will mean *'no access for wheelchair users (over the level-crossing or adjacent footbridge).'*

**SPOKES (local cycling group)** – notes that people with disabled adapted bicycles may be unable to use the bicycle grooves over the adjacent footbridge and will only accept the permanent closure if better accessibility ramps are added to the bridge for all cyclists.

**Living Streets (national pedestrian charity):** *'the only practical alternative route, the nearby footbridge, is only suitable for able-bodied walkers and is not available to the disabled or to parents with prams and pushchairs. The length of the detour that needs to be taken by those who cannot*

*use it is unacceptable'*

*'It is not appropriate to overcome problems of misuse by penalizing legitimate users, especially the disabled. If it deems it impractical to make the crossing safe, the Council must resolve the situation in a proper manner by upgrading the footbridge.'*

**Ramblers Association:** *'The Ramblers' support the closure of the railway crossing on the condition that the adjacent footbridge is upgraded to cater for users of all abilities and that it becomes part of the definitive right of way network.'*

**Two telephone calls about the closure have been made on the information number available on the site notices since the start of the current temporary closure on 13<sup>th</sup> March 2009:**

1. A call was received on 16<sup>th</sup> March 2009 from a local fisherman who regularly used the level-crossing to take a trolley of fishing equipment over the level-crossing. Since the closure he had been carrying his equipment over the bridge. He had seen cyclists and push-chair users crossing the bridge. He assumed that the closure was due to the number of children playing in the area and asked if a ramp would be put in on the bridge to make it easier to use.

2. A local dog walker spoke to a council officer on the bridge on 13<sup>th</sup> March 2009, the first day of the closure, to support the closure and later rang in to reiterate his points. He had always chosen to walk his dog over the bridge (daily, in two directions) instead of using the level-crossing, for safety reasons – he had heard of a dog being killed on the track. He had assumed that the closure was put in place due to children playing in the area.

### **Other**

A letter in the Newbury Weekly News on 26<sup>th</sup> March 2009 after the start of the temporary closure, from a Thatcham resident, commented that the closure *'means a diversion of over a mile for cyclists with loaded bikes, prams, pushchairs, wheelchairs and others (not all dogs will use a bridge) and, in practical terms, this means that access is denied.'*

### **Support**

Support on the grounds of safety has been received from Councillor Geoff Findlay and Councillor Brian Bedwell (who added that improvements to bridge accessibility should be made if the opportunity arises).

Network Rail supports the closure, on safety grounds.

During notice checks prior to the start of the current temporary closure, two members of the public (who both took their dogs over the bridge in preference to the level-crossing) approached the Council officer and commented that the closure was a good idea, especially considering the tendency of children to play in the area (they both considered that 'play' involved vandalism and throwing stones). One of these walkers explained that his dog had been hit by a train on the crossing.

### **Summary**

Objectors have pointed out that, whilst closing the level-crossing will leave a suitable alternative route over the adjacent footbridge for the majority of the public, the nearest alternative route for certain disabled users is unsatisfactory as it will be too circuitous, via footways to the road crossing at Thatcham Station.

The solution put forward by objectors is that accessibility ramps should be added to the bridge for

these members of the public.

### **Key Findings**

The nearest alternative route over the railway is the adjacent footbridge. This has 36 steps on the south side and 39 steps on the north, with 2 resting platforms dividing each flight of steps. There are double handrails and a sloping groove to enable bicycles to be wheeled over.

The level-crossing, prior to the onset of the temporary closure in March 2009, had a coarse gravel surface. It had metal self-closing bridle gates on either side, and steps onto a raised wooden platform over the rails. There are telephones on either side that link directly to a nearby manned signal box to provide callers at the crossing with details on oncoming trains. There are a number of warning and advisory signs on both sides of the crossing.

19 out of 22 users seen crossing the railway during site visits between December 2008 up to the closure of the crossing on 13<sup>th</sup> March 2009 chose to use the bridge instead of the level-crossing. The 3 level-crossing users were all able-bodied walkers. The 19 people who chose to use the bridge included an elderly couple who wheeled their bikes over the bridge and a man on crutches.

1<sup>st</sup> July 2009 (12:15am – 1:15pm) – 6 users (2 cyclists, 3 dog walkers, 1 lone walker)

2<sup>nd</sup> July 2009 4 users (including 2 men carrying canoe equipment)

4<sup>th</sup> July 2009 13 users (including 2 child cyclists)

5<sup>th</sup> July 2009 23 users (including 2 cyclists and 2 adults carrying a pram over the bridge)

### *Issues identified regarding the six strands of equality*

#### **1. Race**

*This section indicates particular data and findings from consultation relevant to the impact on different racial groups, as required by the Race Relations Amendment Act 2000.*

**a. Are there concerns that the policy or function *could* have a differential impact on racial groups? If so, please give details about which racial groups may be affected.**

No

**b. What existing evidence (either presumed or otherwise) do you have for stating it does, OR does not, have any differential impact on racial groups?**

No reason to expect differential impact in terms of race.

#### **2. Disability**

*This section indicates particular data and findings from consultation relevant to the impact on people with disabilities, including physical disabilities, learning difficulties or mental health problems, and supports our duties under the Disability Discrimination Act 2005.*

**a. Are there concerns that the policy or function *could* have a differential impact on disabled people? If so, please give details about which disability groups may be affected.**

People who cannot negotiate steps are unable to cross the bridge adjacent to the level-crossing. This is likely to include certain disabled users, for example those in wheelchairs or mobility scooters,

or those with a physical impairment or illness that limits mobility or strength. The nearest alternative route for any such disabled users is via a route along roadside pavements for approximately 920 metres to the Thatcham Station rail-crossing. From this point there is access along the canal towpath south of the railway (the nearest other non-roadside path), but this involves passing through a narrow vehicle barrier – it is unlikely mobility scooters can pass through.

It should be noted that prior to the current temporary closure, the level-crossing itself was not considered suitable for certain disabled users due to the coarsely graveled surface, self-closing gates on either side and steps onto a raised wooden platform over the rails. Whilst this may have been more accessible than the bridge, it would appear that mobility scooters and certain wheelchairs would have been unable to cross, as would those unable to pass the self-closing gates or to manage the uneven surface. Oncoming trains presented a higher risk to any users unable to quickly negotiate the level-crossing – this would include certain disabled users.

**b. What existing evidence (either presumed or otherwise) do you have for stating it does, OR does not, have on any differential impact on people with disabilities?**

The proposed Order has no differential impact on people with disabilities as the Order prohibits use of the level-crossing by all members of the public.

The proposed Order is a blanket prohibition of use of the level-crossing for all members of the public. The Order itself does not single out any particular category of person. The discrimination issue arises as an indirect effect of the Order in that whereas most users are expected to be able to use the adjacent footbridge, those with certain disabilities will be unable to negotiate the steps on the adjacent footbridge and will have to seek a substantially longer alternative route via Thatcham Station to the east.

In 2006, the year following installation of the footbridge, a mobility scooter user asked the Council for disabled access across the railway, complaining that he could not use the footbridge and was having to use the road crossing at Thatcham Station to get to the canal south of the railway. This indicates that he did not see the adjacent bridleway level-crossing as a suitable option in his mobility scooter. The self-closing gates, gravel and steps onto the wooden platform would appear to have been a hindrance to any such vehicles.

Prior to its temporary closure in March 2009, the surface of the level crossing was coarsely graveled with steps several inches high up onto a series of wooden sleepers over the rails, and self-closing gates on either side. It would have posed difficulties for wheelchair users and those with certain disabilities or mobility problems even without the added threat of oncoming trains.

The alternative footbridge route has approximately 40 steps on either side for users to negotiate (with 2 resting platforms on each side), whereas the existing level-crossing is coarsely graveled and had a raised wooden crossing platform with a step of several inches high over the rails (this was removed when the temporary closure started in March 2009). The bridge takes less physical effort to use than the level crossing. It also requires the ability to negotiate steps. Up until its closure in March 2009 certain people may have found the coarse gravel and raised wooden platform on the level-crossing impossible, or hard, to negotiate – bearing in mind the potential for oncoming trains this may well have dissuaded some people from using the crossing. An example was noted on a site visit in February 2009 when a man on crutches chose to use the bridge rather than the level crossing.

**3. Gender**

*This section indicates particular data and findings from consultation relevant to either gender and supports the Gender Duty, which will come into force in 2007.*

**a. Are there concerns that the policy or function *could* have a differential impact on men or women? If so, please give details about which gender may be affected.**

No

**b. What existing evidence (either presumed or otherwise) do you have for stating it does, OR does not, have on any differential impact on either gender?**

No reason to expect differential impact in terms of gender.

**4. Age**

**a. Are there concerns that the policy or function *could* have a differential impact on any particular age group? If so, please state which age group(s) may be affected.**

Only if age can be equated to an increased likelihood of being less able-bodied or disabled.

**b. What existing evidence (either presumed or otherwise) do you have for stating it does, OR does not, have on any differential impact in terms of age?**

The alternative footbridge route has approximately 40 steps on either side for users to negotiate, whereas the existing level-crossing crosses coarse gravel and a raised crossing platform that is several inches high.

**5. Religion or Belief**

**a. Are there concerns that the policy or function *could* have a differential impact in terms of different religions or faith groups? If so, please give details about which groups may be affected.**

No

**b. What existing evidence (either presumed or otherwise) do you have for stating it does, OR does not have, on any differential impact in terms of religion or belief?**

No reason to expect differential impact in terms of religion or belief.

**6. Sexual Orientation**

**a. Are there concerns that the policy or function *could* have a differential impact on due to sexual orientation? If so, please give details.**

No

**b. What existing evidence (either presumed or otherwise) do you have for stating it does, OR does not have, on any differential impact on sexual orientation**

No reason to expect differential impact in terms of sexual orientation.



*Risks of discrimination and/or opportunities to better promote equality***Could the differential impact, identified in sections 1 – 6, amount to there being the *potential* for adverse impact in this policy or function? If so please explain.**

The disabled users identified above will have a less convenient alternative route over the footbridge adjacent to the level crossing than more able-bodied users.

**Can the adverse impact be justified on grounds of promoting equality of opportunity for one particular group? Or, for any other reason?**

*Note: Direct Discrimination cannot be legally justified; only indirect discrimination can be objectively justified*

The Order is being pursued following concerns that the substantially increased population and children's playground and recreation area in the immediate vicinity, resulting from the recent development of the Kennet Heath housing estate, creates a much higher potential for accidents on this unmanned level-crossing.

These concerns have been substantiated by a safety report by Network Rail, who wish to see the level-crossing permanently closed for safety reasons. In 2006, prior to completion of the housing estate, they assessed that the risk to users of the crossing was four times greater than the national average, and predicted that following development this would rise to 10 times the national average. In December 2008, Network Rail stated that the crossing was graded as a category 'C' risk, their third most dangerous category, with A being the most dangerous and M being the least dangerous. They also voiced concerns that since the development of the Kennet Heath housing estate there had been a noticeable increase in nuisance calls by children on the Level Crossing telephone system, stones being placed on the rails and reports from train drivers and the police of children playing 'chicken' with oncoming trains.

Network Rail have identified that it typically takes 7.5 seconds to cross the track on foot, but that it takes only 5.5 seconds for the fastest trains approaching from east to reach the crossing from the furthest point of visibility. The presence of oncoming trains presents a risk to legitimate users of the crossing arising from human misjudgement, carelessness or unforeseen difficulties whilst crossing, especially considering the very small margins for error.

Oncoming trains also present a risk to those who may misuse the crossing, for example the people who have laid the reported piles of stones on the line or the children who have been seen playing 'chicken' with oncoming trains. Network Rail have also identified risks to trains and passengers from reported incidents of laying stones on the track and incidents of stone-throwing. Physically closing the crossing discourages this misuse.

*'Network Rail therefore believes that the continued existence of this level crossing could disproportionately increase potential for trespass or error-related damage, injury and death, as well as performance losses such as train service disruption.'*

In 2007, a train hit and killed a black Labrador whist traveling relatively slowly near the crossing, whilst another dog was hit and injured by a train after escaping its owner's control.

There were already safety measures in place prior to the temporary closure that runs from March-

September 2009. These measures included (on each side of the crossing) conspicuous warning signs, information boards, self-closing gates and telephones enabling users to directly check with railway staff about oncoming trains. There was also a wooden platform laid to facilitate crossing the rails. To install a Miniature Stop Light system (as suggested by one of the objectors) on the crossing would cost £750,000 to £1 Million, as estimated by Network Rail, and is beyond their budget.

### Conclusion

The fact that the most convenient alternative route cannot be used by certain disabled users is regrettable but it is considered to be justified as it is a factor secondary to public safety, which is the overriding factor.

Set out what *changes*, if any, will be made to the policy or function as a result of this assessment? Please use the table below to identify changes / actions, including timetable and outcome.

Action / Amendment	Outcome	Timescale
No changes proposed - safety concerns outweigh the accessibility issues over the bridge. However, the bridge accessibility issues are acknowledged.	The Order should be made to permanently close all access over the level crossing. After this, the possibility of improving bridge accessibility should continue be explored.	n/a

*Note: All actions should be incorporated into your service or team plans, and/or, where appropriate inform action plans in Corporate Equality Schemes e.g. the Disability Equality Scheme, the Race Equality Scheme or the Gender Equality Scheme*

State any other *actions* identified which might lead to greater equality but which are outside the remit of this assessment, or which require additional resources, or senior approval to implement.

Action(s) Recommended	Outcome Expected
Continued exploration of the possibility of improving disabled access over the bridge adjacent to the level crossing.	Unknown due to the large costs and engineering difficulties

### *Future monitoring and review process*

State how the on-going effects of this policy or function will be monitored for future impact

The permanent Traffic Regulation Order is to be reviewed if any material changes take place, for example if the railway line is closed or diverted, or is considered to be safe to use.

*Note: all policies / functions should be reviewed at intervals to reassess their likely impact*

**State the date of the next review of this policy or function and the officer responsible.**

**It is proposed that if the closure is implemented the situation should be reviewed every eighteen months, or if any of the material changes referred to above take place.**

***Thank you for recording evidence of this impact assessment.***

***Please copy this record to the Lead Head for Equality within your directorate, and also a copy to Policy & Communication, who co-ordinate publication of impact assessments as required.***

***Email: [evincent@westberks.gov.uk](mailto:evincent@westberks.gov.uk) Telephone: 01635 519441***

# Individual Decision

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The attached report will be taken as an  
Individual Portfolio Member Decision on:

**23<sup>rd</sup> April 2009**

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<b>Ref:</b>	<b>Title</b>	<b>Portfolio Member(s)</b>
ID1844	<b>Safety of Railway Level Crossing by Kennet Heath Estate (Public Bridleway Thatcham 18)</b>	Councillor Emma Webster



## Individual Executive Member Decision

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<b>Title of Report:</b>	<b>Safety of Railway Level Crossing by Kennet Heath Estate (Public Bridleway Thatcham 18)</b>
<b>Report to be considered by:</b>	Individual Executive Member Decision
<b>Date on which Decision is to be taken:</b>	23 April 2009
<b>Forward Plan Ref:</b>	ID1844

**Purpose of Report:** To outline the various options open to address safety of public bridleway Thatcham 18 across the railway line alongside Kennet Heath Housing Estate

**Recommended Action:** That the Executive Member authorizes the making of a Permanent Traffic Regulation Order to prohibit all use of the level crossing

**Reason for decision to be taken:** To enable a proposed traffic regulation order to be progressed to implementation, prohibiting use of the crossing

**Key background documentation:** See Appendices A-H

Portfolio Member Details	
<b>Name &amp; Telephone No.:</b>	Councillor Emma Webster - Tel (0118) 9411676
<b>E-mail Address:</b>	ewebster@westberks.gov.uk

Contact Officer Details	
<b>Name:</b>	Stuart Higgins
<b>Job Title:</b>	Definitive Map Officer
<b>Tel. No.:</b>	01635 503251
<b>E-mail Address:</b>	shiggins@westberks.gov.uk

## Implications

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<b>Policy:</b>	n/a
<b>Financial:</b>	<p>The initial principal costs are officer time. If a legal Order is made to permanently close the route (which will require another decision, following consultation) and objections are received the matter may go to appeal (judicial review) or to Secretary of State (DEFRA) for determination - legal representation would be needed. At the current stage there is no certainty this will occur, but the possibility should be recognized.</p> <p>Costs to improve accessibility or alternative safety measures on the crossing/bridge are not directly relevant to this report but may be longer term factors to consider separately at a later date.</p>
<b>Personnel:</b>	n/a
<b>Legal/Procurement:</b>	<p>The statutory consultation and advertisement of a proposed Legal Order will be undertaken by Legal Services. Further legal advice and support may be required if objections are received before a further decision is made on whether to make an Order. Continued objection may then lead to a Judicial Review appeal or to determination by the Secretary of State (DEFRA) in which case legal representation will be required.</p>
<b>Environmental:</b>	n/a
<b>Partnering:</b>	n/a
<b>Property:</b>	n/a
<b>Risk Management:</b>	<p>Safety measures were already in place on the crossing prior to the current temporary prohibition of use for safety reasons (13<sup>th</sup> March - 13<sup>th</sup> September 2009), but the likelihood of danger to the public is still considered to be too great. The most suitable safety measure is considered to be the recommendation outlined in this report.</p>
<b>Community Safety:</b>	<p>This report addresses safety concerns relating to the public bridleway/level crossing near a children's play area and the new Kennet Heath housing estate in Thatcham, and general public safety over a level crossing.</p>
<b>Equalities:</b>	<p>An Equality Impact Assessment will be carried out if the recommendation is followed as a part of the Consultation process, ready for consideration along with any other comments that are received before a further, final decision.</p>

## Consultation Responses

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### Members:

#### Leader of Council:

**Overview & Scrutiny  
Commission Chairman:** Brian Bedwell supports the recommendation that the level crossing be closed, with improvements to bridge accessibility in time, if the opportunity arises.

**Policy Development  
Commission Chairman:**

**Ward Members:**

**Opposition  
Spokesperson:**

**Local Stakeholders:** Will also be consulted on this specific matter as part of Statutory Consultation process

Local consultations relating to this crossing took place in 2002 and 2005, and correspondence highlighting important issues are available at appendix A.

**Officers Consulted:** Neil Stacey, Bob Bosely (Traffic and Road Safety), Liz Patient (Legal Team), Paul Hendry and Elaine L Cox (Countryside)

**Trade Union:** n/a

Is this item subject to call-in.	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by OSC or associated Task Groups within preceding 6 months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	



## Supporting Information

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### 1. Background (see Appendices G & H)

1.1 Public Bridleway Thatcham 18 runs for 2.8 kilometres from Bury's Bank Road by Crookham Common northwards through Chamberhouse Farm, over the Kennet & Avon Canal and across the main London-Cornwall railway line by means of an unmanned level crossing. It then continues through residential housing in Thatcham over estate roads and alleyways to St. Mary's Church, Thatcham.

1.2 The section of bridleway running over the level crossing lies on a bend in the track, in the line of oncoming trains of varying speeds. This is the section discussed in this report – **it is currently closed to the public until 13<sup>th</sup> September 2009, under a Temporary Traffic Regulation Order made by the Council due to the likelihood of danger to the public.** Signs at either side of the crossing read:

**'This Public Bridleway Crosses the Railway Tracks To Ensure Your Safety You May Prefer to Use the Bridge' (West Berkshire Council)**

**'Stop Look Listen Beware of Trains' (Network Rail)**

**'Warning Do not Trespass on the Railway Penalty £1000' (Network Rail)**

**'Always telephone before crossing with vehicles or animals to find out if there is time to cross' (Network Rail)**

1.3 In relation to this final notice, there is a telephone on either side that users can use to contact the nearest manned signal box for information on when it will be safe to cross the track.

1.4 Self-closing bridleway gates were in position at each side of the crossing until the recent temporary closure, when Network Rail fenced the crossing off.

1.5 The land north of the crossing used to be a Ministry of Defence depot but has been recently re-developed into the new Kennet Heath Housing Estate. As a part of the development a new surfaced route was created making it easy for all users to get directly from the estate to the railway. Prior to this access to the level-crossing was via the section of public bridleway Thatcham 18 to the north/west, which is a longer, narrower, un-surfaced route prone to muddiness. Accessibility along the route of the bridleway south of the level-crossing has also been improved in recent months.

1.6 In 2005 a bridge was built approximately 30 metres east of the level-crossing as an optional alternative, on the basis that a safer crossing option was needed because of the increased population in the vicinity and new accessible route to the railway.

1.7 Consultation up to 2005 indicated that walkers and cyclists were the chief users and that equestrian use was minimal at best – the continuation to the north runs through residential housing via roads and alleyways (see Appendix D summarising the situation in 2005). Combined with the prohibitive costs of a bridge with greater accessibility, the apparent low levels of equestrian use and unsuitability for wheelchairs/pushchairs resulted in the installation of a footbridge with a bicycle ramp.

1.8 The development (including new access route) has resulted in legitimate users with wheelchairs, prams or pushchairs now being able to reach the level-crossing (and footbridge) with relative ease, but as the bridge has approximately 72 steps (36 on each side) they are likely to find it hard or impossible to cross (narrow metal ramps on the steps enable cyclists to push their bikes over the bridge). The level-crossing is less safe for any of these users than for unaccompanied able-bodied users; it crosses coarse gravel and a small 'step' onto the raised wooden platform over the tracks.

## 2. Risk factors and reported incidents on the level-crossing

2.1 Trains of varying speeds cross the bridleway on a bend in the track – it is clear on site that faster approaching trains would be unable to stop in an emergency. **Key figures are available in Network Rail's 2006 safety report (Appendix B), which states that a pedestrian is expected to take 7.5 seconds to use the crossing, whereas the minimum time between seeing a train and it arriving at the crossing is 5.5 seconds.** It is expected that users with dogs, horses, children, bicycles, pushchairs or wheelchairs would take longer to cross, on average, and be more likely to encounter difficulty on the tracks due to the irregular surface.

2.2 The crossing lies approximately 100 metres from the houses on Kennet Heath Housing Estate, on what is now a well-used link from the estate to the Kennet & Avon Canal path and Crookham and Greenham Commons.

2.3 A large grass area lies between the crossing and housing estate, encompassing a children's playground, 80 metres from the entrance to the crossing along a surfaced path.

2.4 The Network Rail safety report (Appendix B) identifies the risk of accidents on the crossing being ten times higher than the national average for user-controlled level crossings. Network Rail have also provided a list of reported incidents on or near the crossing in recent years (see Appendix C).

2.5 The safety report states that most users choose to continue using the level-crossing in favour of the bridge, but site visits and comments received over recent months indicate that if this was the case, the reverse now seems to be true (e.g. see Appendix E).

2.6 The summary is that whilst the majority of users would now be expected to use the bridge in favour of the level-crossing, thus reducing overall safety risks, the reports of misuse/abuse, the increased population, the likelihood of unsupervised children in the area from the nearby estate, and the very small margin of error for legitimate users to ensure a safe crossing mean that the level-crossing is considered to present a danger to the public whilst it is open.

## 3. Options

3.1 There are a number of measures that may be implemented in relation to public safety on the crossing that are outlined below (please see Appendix F – Independent Consultant Report from 2006):

### Do Nothing

- 3.2 The level crossing was well signed and gated at either side prior to the temporary closure but problems were reported leading up to the closure and clearly there is still scope for abuse and misuse on the crossing despite the safety measures. There are clear dangers for legitimate users, especially now use appears to have increased due to the new housing estate. As the safety concerns are valid then at the very least the various options should be examined and any necessary action taken.

### **Further Physical Safety Measures**

- 3.3 Network Rail identified that a 'traffic light' system (MSL - Miniature Safety Lights) would cost an estimated £1 Million, which is too expensive considering there are other options to consider.

### **Safety Education**

- 3.4 Network Rail has recently undertaken a well publicized national campaign to warn the public of the dangers at level-crossings. They have targeted schools near to this crossing to warn children of the dangers. Whilst this can only be seen as beneficial, there is no guarantee that this will eliminate risks of accidents due misuse, lapses in concentration or physical difficulties on the crossing. It is proposed that a physical closure combined with education will be the most effective safety option.

### **Existing section 118 Highways Act 1980 Extinguishment Order**

- 3.5 A section 118 Highways Act 1980 Order was made by the Council on 30th September 2005 on the ground that the bridleway level crossing is 'not needed for public use'. Objections were received from the Ramblers' Association, British Horse Society and a local resident. The concerns were that horses, prams, pushchairs, disabled people and loaded bicycles would not be able to use the footbridge that would serve as the only nearby available route over the railway. The Ramblers were also concerned that the alternative footbridge route was not legally recorded as a public right of way.
- 3.6 As the extinguishment Order was opposed the Council cannot confirm it, but may submit it to the Secretary of State (c/o Planning Inspectorate) for determination. It seems unlikely that an Inspector would decide that the legal criterion of being 'not needed for public use' is met as things stand, making it imprudent to submit the case to the lengthy determination procedure (most likely via public inquiry). In addition, a determination would be unlikely to take place before the end of the temporary closure.
- 3.7 If the three objectors withdraw their objections then the Council will be able to confirm the Order immediately. Attempts to elicit these withdrawals have proved unsuccessful as none of the conditions that the objectors require have been met. These conditions are:
- 3.8 Converting (or replacing) the bridge for accessibility to horses, wheelchairs, pushchairs and then formally recording it as a public bridleway. This possibility has been examined but the costs have so far proved prohibitive, being in the region of £1 Million.

- 3.9 Provision of a completely different alternative route accessible to horses and wheelchairs. This has been examined but the relevant landowner is not in agreement, and a Creation Order is not a desirable option at this stage.
- 3.10 Formal recording of alternative route – the Council is currently seeking to do this.

### **Section 118A Highways Act 1980 Extinguishment Order**

- 3.11 The Council has the power to make a section 118A Highways Act 1980 extinguishment order in the interests of the safety of members of the public on the level crossing. It is likely that objections would be received because such an Order would have a similar effect to the section 118 Highways Act 1980 Order that has already been made and objected to. The main difference would be that a section 118A Extinguishment Order would actually remove the public's rights, whereas the permanent closure recommended would 'freeze' the rights.
- 3.12 The legal criteria for 118A would be more clearly met than the 118 order as things stand, but there would still be no guarantee that the order would be confirmed. Any such case would be strengthened if the bridge were formally recorded as a public right of way and had greater accessibility.
- 3.13 The Council may wish to choose this option, but even if it is successful, it would be very unlikely to come into force before 13th September, the end of the temporary closure order.
- 3.14 It is recommended that no such Order should be made until, at the very least, the alternative bridge route is dedicated as a public footpath, bearing in mind that objections would still be likely and the matter would therefore be likely to go to a formal public inquiry.

### **Extend Temporary Traffic Regulation Order (TRO)**

- 3.15 The temporary TRO can be extended beyond its end date of 13th September 2009 by getting prior permission from the Secretary of State (for DEFRA), who can extend it as he sees fit. An extension to the temporary closure should not be relied upon as an ongoing solution, but bearing in mind that the complexities of a longer-term solution may take some time to resolve this option may be necessary to avoid reopening the crossing in September. If the request is unsuccessful then a further temporary closure cannot be implemented until another three months has passed.

### **Downgrading status of public bridleway to public footpath and diverting over footbridge**

- 3.16 If the bridleway were to be downgraded to public footpath status then considerations of equestrian and bicycle accessibility on the alternative bridge route would be negated. However, arguments about reduced accessibility for pedestrians, wheelchair users and less able-bodied users over the bridge would hold the same relevance, and as the route is known to be well-used by bicycles the required legal criteria of being 'unnecessary' or 'not needed for public use' would not be met.

### **Experimental TRO**

- 3.17 Experimental TROs can be made to close a road for 18 months 'for the purposes of carrying out an experimental scheme of traffic control'. It is not proposed to use this in the current case as it is arguable whether it would fit the legislation, and a permanent TRO would seem to be a more straightforward option if a closure is required.

### **Permanent TRO**

- 3.18 A permanent closure order can be made by the Council under section 1 of the Road Traffic Regulation Act 1984 to prohibit all use of the level-crossing. This would preserve the public access rights over the level crossing but would make it an offence for anyone to exercise them while the Order is in force.
- 3.19 This type of Order requires statutory consultation, including advertisement in a local paper and on-site. Any objections must be considered before the Council makes a final decision on whether to make an order. Any decision/Order could be challenged via judicial review.
- 3.20 An advantage of this procedure is that the closure could be lifted if circumstances changed, for example if an acceptable alternative route is arranged, or if the safety issues are addressed. In effect it would allow the Council to explore suitable long-term alternatives whilst preventing use of the existing level crossing to ensure safety.
- 3.21 In practice there would still be an alternative route via the existing footbridge for the majority of people, and nothing to prevent further consideration of the accessibility issues for disabled and equestrian users, and those with limited mobility.

### **Separate Issues not considered here**

#### **Bridge Improvements**

- 3.22 The footbridge could be modified or replaced to allow horse and wheelchair access, but this is a major undertaking and the costs have proved to be prohibitive, being in the region of £1 Million (estimated November 2007 by Council Principal Projects Engineer). Such modifications would address some of the objections to closing the level crossing and would therefore open up further long-term options, but there are currently no plans to carry out the works due to lack of available funds.

#### **Further public rights of way dedications**

- 3.23 The alternative footbridge route is not recorded as a public right of way. The possibility of getting the alternative footbridge route and the surfaced path leading from Urquhart Road to the footbridge formally dedicated as public rights of way is being explored. This may open up further options for consideration if successful.

## **4. Conclusions**

- 4.1 Trains running over the level crossing are a potential danger to legitimate users and also to the children and youths who are reported to misuse the crossing. The chief concern is that these risks, combined with the increased volume of use brought about by the proximity of the Kennet Heath Housing Estate and children's play area, will result in a serious and potentially fatal accident occurring.

- 4.2 Whilst it is recognized that an ideal solution would be to provide a safe alternative route to accommodate all legitimate users and then to close the subsequently unneeded level-crossing, efforts to do this have been unsuccessful due to prohibitive costs of bridge improvements and the lack of agreement from relevant landowner for creating alternative routes.
- 4.3 Whilst the majority of users (most walkers, dog walkers and cyclists) choose to use the footbridge as a safe alternative to the level-crossing, equestrians and wheelchair/pram users, or less able-bodied users will find it very hard, or impossible, to negotiate the bridge. Closing the level-crossing may result in these users having to use a long alternative route via roads and the level-crossing by Thatcham Station approximately one mile away in order to cross the railway.
- 4.4 The issue is whether the need to keep the level-crossing open for those who are unable to use the bridge outweighs the risk of someone being hit by a train because the level crossing is kept open.
- 4.5 It is submitted that safety is the more important consideration, especially bearing in mind that a closure order can be lifted if the accessibility or safety issues can be resolved.

## **5. Recommendation**

5.1 In view of the above, it is recommended that:

- Statutory Consultation is undertaken on a proposed permanent Traffic Regulation Order (section 1 Road Traffic Regulation Act 1984) prohibiting all use of public bridleway Thatcham 18 as it crosses the railway level crossing alongside Kennet Heath Housing Estate, Thatcham (only between the railway fencing on either side of the track);
- If no objections to the proposal are received, that the order be implemented;
- Any objections to the proposal to be reported back to the Executive Member for a further Individual Executive Decision on how to proceed;
- If it is apparent that the permanent traffic regulation order will not be in effect by the time the temporary closure ends (13<sup>th</sup> September 2009) then an application should be made to the Secretary of State to extend the current temporary closure for as long as he sees fit;
- It is proposed that the recommended closure is to be reviewed if opportunity to improve access or safety over the crossing in the area arises.

## **Appendices**

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Appendix A – Summary of Comments received relating to proposals to close/extinguish the level crossing & footbridge accessibility

Appendix B - Safety Report from Network Rail

Appendix C – Reported Incidents on or near the level-crossing

Appendix D – 2005 Site Notice

Appendix E – Officer site visit observations

Appendix F – 2006 Independent Consultant report (Confidential)

Appendix G – Map of Level-Crossing and vicinity

Appendix H – Location Plan

**Appendix A – Public Comments relating to proposal to close/extinguish public  
bridleway Thatcham 18 level-crossing and accessibility of footbridge**

**Comments received in relation to the 2005 section 118 Highways Act 1980  
Extinguishment Order**

**Network Rail** – support the closure of the at-grade crossing

**Utility Companies** – no objection to any proposal

**Local residents** responding to site notices

- 1) supports closure of at-grade crossing (with suitable alternative route)
- 2) supports closure of at-grade crossing (with suitable alternative)
- 3) supports closure of at-grade crossing with suitable alternative: concerns about vandalism and anti-social behaviour on new bridge requesting CCTV cameras and improved policing;

**West Berkshire Liaison Group on Disability** – objection to extinguishments of at-grade crossing until provision of a bridge that does not preclude pushchairs and wheelchairs;

**Local Cycling Groups** –

- 1) Objection to extinguishment of at-grade crossing until there is a suitable alternative available for cyclists, i.e. a ramped bridge;
- 2) Request for cycle friendly bridge ASAP;
- 3) No objection

**Local British Horse Society representative, and 2 local horse riders** – objection to extinguishments of at-grade crossing until there is a firm commitment by the Council to provide a definitive bridleway link to the east, south of the railway to prevent the “dead-end” route for equestrians which is currently proposed. If at-grade crossing is retained, north-south link between Urquart Road and the crossing should be given bridleway status;

**Enterprise Hub Director, New Greenham Park Ltd.** – long term plans to promote Thatcham 18 as a commuting route to/from Greenham Park. Objects to closure of at-grade crossing until a cycleable bridge is put in place;

**Thatcham Town Council** – initial consultation - informal view of Members is support for extinguishments of at-grade crossing and proposal A; consultation on final report – concur with recommendation (see Appendix 8)

**Local resident of Bath Road, Thatcham**

*I object to the proposed closure on the grounds that the nearby bridge for alternative use cannot be used by:-*

1. Horses
2. Prams
3. Pushchairs
4. Most disabled people
5. A loaded bicycle



**Appendix A – Public Comments relating to proposal to close/extinguish public  
bridleway Thatcham 18 level-crossing and accessibility of footbridge**

**Local Ramblers' Association representative** – the objection was made on the basis that whilst extinguishing the public bridleway level-crossing would leave walkers and cyclists access over the adjacent bridge, this bridge and the connecting paths is not formally recorded as a public right of way.

**Local British Horse Society Access & Bridleways Officer** '*Closure would result in Thatcham bridleway 18 becoming a dead-end bridleway on the southern side of the railway line. It would become unconnected to the rights of way network.*

*The loss of access to bridleway 18 by closing the at grade railway line crossing to equestrians without incorporating bridleway 18 into a usable circuit for equestrians is not consistent with Rights of Way Improvement plans which aim to improve the network for all users.'*

**Other Comments relating to the level crossing and/or footbridge**

**Local mobility scooter user comments 13/05/06**

*'I am disabled with Muscular Dystrophy and one of the few pleasures in life is to go down to the canal towpath on my mobility scooter. In order to do this I have to travel over a mile to the level crossing in Thatcham to gain access. About 300 yards from my house is a footbridge crossing the railway line over to the towpath. However this bridge is inaccessible to me as there is no disabled access. This bridge has been there for almost a year paid for with my council tax money I feel that WBC is now showing discrimination against the disabled. Please advise me as to the timetable to providing disabled access.'*

**Local Horserider comments 08/08/08**

*'It does seem a terrible shame that the level crossing should be shut just as soon as a decent link is being opened on the north side to connect with the BW running north from the A4 opposite Colthrop Lane. I went and inspected the crossing last week and the local kids have been wrecking the existing gates to an amazing extent.'*

**Newbury Weekly News 26/03/09 letter extract from a resident of Bath Road, Thatcham**

The closure... '*means a diversion of over a mile for cyclists with loaded bikes, prams, pushchairs, wheelchairs and others (not all dogs will use a bridge) and, in practical terms, this means that access is denied.*

*There have been fast trains here for thirty years or more, and there will always be an element of danger, which is a bit ironic as the alternative route means using a narrow strip of un-kerbed footway beside the heavy traffic over the level-crossing at the station – just as dangerous.*

*Why can't miniature warning lights be installed on the bridleway as in other parts of the country?'*

**Walker with 3 dogs 06/03/09.** He was very pleased the crossing is to be closed off as he cannot understand why it has been left open now that the new housing estate has been built with a children's play area so close to the crossing, and a footbridge in

**Appendix A – Public Comments relating to proposal to close/extinguish public  
bridleway Thatcham 18 level-crossing and accessibility of footbridge**

place as an alternative route. He understood the problems with accessibility for horses but said he had never seen a horse in the area and could see no reason why a horse rider would want to ride here. He said his dog (which was with him) got onto the track two years earlier and was hit and badly injured by a train. He said he was not using the level-crossing at the time, he had just been talking to someone at bottom of the bridge when the dog was 'spooked' and ran under gate and in front of train. He always uses the bridge and said that most people do use it.

**Local Fisherman 16-03-09 phone call.** He noted the level crossing had been closed. He said that he had trouble lugging his fishing equipment over the bridge – he carries his equipment in a trolley. He thought Thatcham Angling Club members may find it harder to carry their gear over the bridge than the level-crossing. He thought problems would increase in June (fishing season?). He said in the good weather more people were using the route at the weekend than usual. He saw some cyclists who were complaining to each other about having to wheel their bikes over the bridge. He also saw 2 buggy users on the bridge who were a bit out of breath and also commenting on the closure. He asked whether a ramp could be put in at least, but guessed that the route had been closed because of children messing around on the lines.

**Anonymous 13-03-09** Officer went on to site and spoke at length with a local dog-walker on the bridge. He thought the closure was no surprise because of the local children, who he said had vandalised gates, fencing and newly planted saplings (uprooted). He said they sat on the bridge and were rude to passers by. He knew of a dog being killed a little way down the line. He seemed to accept that it was necessary to close the route for safety but was indignant about the behaviour of the children necessitating the closure. He said he had never seen a horse-rider or wheelchair user crossing the railway by any means, and that he walked his dog there every day.





**Thatcham, Bridleway no.18:  
Submission in support of s.118A Highways Act 1980 Stop-Up  
Order**

**Ordnance Dépôt level crossing, on BHL at 50m 04ch**

1. Network Rail strongly supports West Berkshire Council in diverting Thatcham Bridleway No. 18 such that the railway is no longer crossed on the level.
2. Network Rail is very concerned at the likely effect of the new housing estate, currently being built on behalf of Redrow, on the nearby level crossing over the West of England Main Line. Because of these concerns, Network Rail wishes to abolish Ordnance Dépôt level crossing on grounds of public safety.
3. The new development by Redrow comprises some 700 dwellings. This suggests a population increase of 1,500 or more in the immediate vicinity of the railway. Network Rail is also aware of pressure on the Council to promote Bridleway 18 as part of a through route between Bucklebury and Greenham Common.
4. As the railway marks the border between the Redrow development and the pleasant meadow/ river/ canal area, it is reasonable to assume that there will be a significant increase in user – by perhaps a factor of 3 or more not counting any possible take-up by horseriders. This could mean a daily user of 600 or more.
5. Network Rail was pleased to see the opening of the new bridge immediately adjacent. However, despite being an inherently safer way to cross the line, this bridge is little used due to the continued presence of the level crossing.
6. Network Rail believes that the most realistic way forward is to modify the bridge to enable all recognised categories of bridleway traffic to use it.
7. Network Rail would normally expect other parties to fund the work, as the increased user is not of its making, however in the circumstances Network Rail may be prepared to consider a contribution towards the cost.
8. Further details to support the closure case for Ordnance Dépôt level crossing are shown on the following pages.

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Tim Mayo  
Operations Risk Control Coordinator, Thames Valley  
Reading

November 2006

### **Ordnance Depot level crossing** - *continued*

#### **Existing equipment**

The crossing has equipment that is typical of most other public bridleway crossings on busy main line railways, viz:

- 'Stop-Look-Listen' and supplementary instruction signs
- Timber decked surface across the tracks
- Self-closing metal gates
- Direct-line telephone communication with the controlling signal box.

The prime safety measure for pedestrians is their own decision to cross (or not) by stopping, looking and listening out for any approaching trains. The user must first stop at the gate, or as far from the track as is practicable to get a good view, and check that it is safe before traversing the tracks.

The prime safety measure for persons with vehicles or animals is the lineside telephone. The user asks the signaller for permission to cross, and the user must follow his instructions. When permission is given, the user must telephone again from the other side to confirm that the crossing is clear.

#### **User level and telephone calls**

Current user level is moderate. A full day (0700-1900 hrs) census in April 1999 counted 171 persons. The census took place on a Sunday as weekday user is thought to be lower. The total included 26 bicycles, but no horses.

In the 12 months to 30<sup>th</sup> September 2006, requests to use the crossing were logged at Reading signalling centre on just 36 days - a total of 40 requests. Of the 40 requests, signallers declined 30 (75%) initially and instructed the user to call back due to trains being in the area. Of those 30 refusals, 5 users failed to call back, leading to train drivers being cautioned to check the crossing was clear.

It is not clear from the logs how many of the 40 callers were horseriders, but one was known to be a wheelchair user. Recent site visits by Thames Valley operations staff revealed **no evidence of use by horses**. It is likely that the calls are coming from people with buggies, bicycles or wheelchairs, or simply pedestrians 'playing safe'.

There are three further documented occasions of 'nuisance calls' (usually children) leading the signaller to doubt if the railway was still safe and having to send a mobile operations manager to site, which again meant train delays in the meantime. Empirical evidence from signallers and their managers suggests that calls of this type are far more common, on average once per month but more often in summer; however the log only shows those incidents that led to train drivers being cautioned. Total train delay caused in the 12 months was about 150 minutes.

Only about two requests per month are made during the winter, rising to seven or eight during June/ July/ August.

A comparison of the census count of 171 persons per day in 1999 with the above telephone call data, even after allowing a generous margin of error for persons who should be using the telephone but do not, strongly suggests that the overwhelming majority of level crossing users are physically capable of using the new bridge in its present (unmodified) state.

### **Periodic inspection and risk assessment**

Network Rail's maintenance personnel inspect each crossing of this type every six months. Operations & Customer Service personnel perform a risk assessment at least every 3 years and as necessary after each serious incident.

The Company's standards recognise that it is usually impractical for old level crossings to meet all relevant requirements for new and modernised level crossings published in Her Majesty's Railway Inspectorate's Railway Safety Principles and Guidance (RSPG). When considering improvements to old crossings Network Rail aims to meet elements of RSPG 'whenever reasonably practicable'.

At crossings such as this one where the main safety control is user sighting, a key factor in a risk assessment is traverse time compared with available warning time.

**Traverse time** takes into account the distance across the tracks and the type of surface provided. The accepted speed of a pedestrian over a good surface (as here) is 2.6m/sec, which gives a traverse time of 7.5 seconds.

**Warning time** is actually four sets of measurements; from both sides of the line and looking in both directions. The crossing is located within a long sweeping curve. Worst warning time is viewed from the Up (Eastbound) track looking towards Up trains. This is assessed as 5.5 seconds.

Taken against the traverse time of 7.5 seconds, sighting is sub-optimal and measures should be taken to improve this if reasonably practicable to do so.

### **Hierarchy of measures to improve warning time**

Network Rail starts from the principle that it is better to eliminate than to reduce the risk. **Therefore closure is the first option.**

The next option is **to reduce/remove obscuration**; when this is possible this usually means cutting back vegetation. Network Rail has identified that further cutback is possible here, and trees/ shrubs within the railway boundary have now been cleared.

Until 2004 warning time could be increased using '**whistle boards**', i.e. signs instructing train drivers to sound the horn. However in the wake of doubts about their effectiveness and of environmental noise nuisance objections being upheld, there is an embargo on new 'whistle boards' and they are unlikely to be permitted here.

**Reducing the permissible speed of trains** is rarely practicable on major routes as the performance disbenefit outweighs the safety benefit, but it can be resorted to as a temporary measure pending provision of telephones for persons with vehicles or animals. This option is not appropriate here as the crossing already has a telephone.

If sighting and/ or audibility of trains cannot be improved by other means, the only remaining option is to install a **miniature stop lights (MSL)** warning system which is automatically operated by each train. Currently the only approved method has to be linked with the signalling system and typical cost would be £750K-£1,000K.

In some locations it is possible to reduce the traverse time as well as, or instead of, increasing the warning time. However this is not an option here.

### Ordnance Depot level crossing - continued

#### Justifying risk mitigation works

Network Rail takes into account 'reasonable practicality' and test for this using cost/benefit analysis (CBA). The rail industry value per fatality (VPF) figure in 2006 is £1.5M. Risk is measured in terms of Equivalent Fatalities per year (EF/yr) and the industry's accepted national average risk for this category of crossing is 0.000709.

Desktop tools are used to calculate the EF/yr for a particular crossing by inputting site-specific characteristics. In the case of proposed improvements, the 'before' and 'after' can be modelled. The change in risk level is calculated with the VPF and with the life (in years) of any proposed investment to give a £ value safety benefit. This safety benefit represents the maximum amount of funding that might be justified. Compared with the estimated cost of the works, a CBA ratio is produced. Providing the CBA ratio is positive (i.e. the benefits outweigh the costs) then a business case can be made.

#### Current risk level

Taking into account the site conditions at this crossing, notably the sub-optimal warning time, it has **3.9 times the national average risk**. This equates to an EF/yr of 0.002768.

Network Rail's judgement is that, while not ideal, existing risks are controlled so far as is reasonably practicable by lineside vegetation clearance bearing in mind a moderate level of use and the largely "rural" environment.

#### Predicted future risk level

A change to high user level and largely "urban" environment created by the Redrow development **increases the risk at this crossing to 10 times the national average level** for a user-worked crossing. This means an EF/yr of 0.00710.

Network Rail's judgement is that the significant increase in risk potential makes closure all the more desirable.

CBA was performed to test the reasonable practicality of installing MSL. The CBA shows that, even at this new level of risk, the maximum safety benefit (maximum £139K) falls far short of the estimated cost (£750K-£1,000K) of the work and therefore MSL cannot be justified.

### Ordnance Depot level crossing - *continued*

#### Observations

- (i) Network Rail's assessment, using methods accepted by HMRI and the rail industry as a whole, estimates that the changes resulting from the housing development **would worsen the risk at Ordnance Depot level crossing to ten times the national average for user-worked level crossings.**
- (ii) At present the risk with moderate levels of use, although not ideal, can be controlled by vegetation cutback so as to maximise warning time at the crossing. Network Rail believes that this measure alone becomes less effective at crossings with high pedestrian user levels, especially in a built-up area.
- (iii) As other options are either impractical or inappropriate for this type of level crossing, Network Rail contends that, if user level was to increase as predicted, MSLs should be installed. However this would cost around £1,000K (one million pounds) and could not be justified from the company's own funds.
- (iv) It is reasonable to assume that the new housing adjacent to the line will include a high proportion of children, for whom railways tend to be an attraction. Being 'close to home', it is also assumed that there will be a lower-than-average likelihood of them being accompanied by an adult whilst in the area. Network Rail therefore believes that the continued existence of this level crossing could disproportionately increase potential for trespass- or error-related damage, injury and death, as well as performance losses such as train service disruption.
- (v) The overbridge is an inherently safer method of crossing the railway but few persons use it. Whilst the level crossing remains, there are no practicable means by which Network Rail or the Council can compel the 99% of capable users to cross the line via the footbridge instead.
- (vi) The proposed diversion of Bridleway 18 to go through rather than round the former MOD site is in itself an incentive for greater use. Despite no evidence of equestrian traffic, Network Rail is concerned at proposals to promote Bridleway 18 as part of an equestrian through route. For reasons stated above, it is not practicable to restrict use of a bridleway level crossing only to horseriders and mobility-impaired persons.
- (vii) The Council has informed Network Rail that the overbridge is capable of being modified to accept horses and mobility-impaired traffic, and that space is available to accommodate a modified structure. This work would cost significantly less than the estimated £1,000K (one million pounds) to upgrade the level crossing, and result in significantly greater safety benefits.

#### Recommendation

Network Rail strongly recommends that the overbridge is modified so that Bridleway 18 can be diverted and Ordnance Depot level crossing permanently closed on public safety grounds. This work should be carried out while the Developers are still on site.



## Appendix C - Table of Reported Incidents

Network Rail Reported Incidents April 2003-October 2008
04/04/2003 – Children playing on line
25/06/2003 – Children playing on line
02/11/2003 – User rang for permission but failed to report clear
16/10/2004 - User rang for permission but failed to report clear
23/04/2005 - User rang for permission but failed to report clear
04/10/2005 - User rang for permission but then failed to report clear
31/08/2006 – Children playing on line/ nuisance call to signal box
04/09/2006 – Train ran into piles of stones placed on line
17/04/2007 - Train ran into piles of stones placed on line
01/07/2007 – Nuisance call to signal box, then train hit pile of stones on line
03/07/2007 – Nuisance call to signal box
27/07/2007 – Children placing stones (caught red-handed by TVP)
28/09/2007 - User rang for permission but failed to report clear
20/06/2008 – Nuisance call to signal box
16/08/2008 - Children playing on line/ nuisance call
26/08/2008 - Nuisance call to signal box
03/09/2008 - Nuisance call to signal box
11/10/2008 – Nuisance call to signal box
12/10/2008 – Nuisance call to signal box

**Totals**

Over 6 year period

4 incidents of children on line

4 of stones on track

11 of nuisance calls on signal box phone

**Averages**

6 years = 72months

children on line every 18 months

stones on line every 18 months

nuisance use of call box every 6 months

**Additional Railway Incidents in vicinity of crossing**

On 26th July 2000 a youth was reported lying face down by the track west of Thatcham station, apparently asleep. He had no injuries and it was likely to be drug/alevel-crossingohol related. It is possible that the youth used Ordnance level-crossing to gain access, but this was not a level-crossing related incident as such.

On 21st April 2007 a dog, recorded as a black Labrador, was killed by a train. It is possible that the dog entered via the level-crossing but this was not proved. There was no sign of the owner when the response man reached site about one hour later. The train involved was going relatively slowly as it calls at Thatcham.

On 12th Sept 2007 a man was reported lying half-dressed by the track in the area, with serious injuries. He had been dumped on the railway, having been badly assaulted on the canal towpath. Again this is not directly attributable to the level-crossing.

## **PROPOSED CHANGES TO PART OF BRIDLEWAY 18 THATCHAM**

West Berkshire Council is proposing to make some changes to part of the above bridleway, following the development of the MoD Depot into the Kennet Heath housing estate. The bridleway is not physically affected by the new buildings but will be used by many more people when the development is complete.

The bridleway can legally be used by walkers, horse-riders and pedal cyclists. It currently crosses the mainline railway by way of an "at grade" crossing. This is completely unsuitable and potentially unsafe for anyone other than an able-bodied adult walker.

Following extensive enquiries, it would seem there is no equestrian use of the bridleway either across the railway (because of the dangerous crossing) or on the section of bridleway north of the railway (because of the urban nature of the route and the lack of links with other bridleways). It is well used by walkers and pedal cyclists. North of the railway, the bridleway is quite narrow and has the appearance and feel of an alleyway running between the railway fence and the old MoD chain-link fence. A new earth bund (2 metres in height, topped with a 2 metre high fence) is to be created as part of the development to reduce noise from the railway. This will run alongside the current chain-link fence and is likely to make this section of the route even more unattractive.

### **New footbridge across railway**

Work to construct a new steel footbridge across the railway about 30 metres to the east of the at-grade crossing is just starting. The costs of providing a fully accessible bridge have unfortunately proved prohibitive. The bridge is therefore a simple up and over stepped design for pedestrian access only, although there is to be a narrow ramp adjacent to the steps to allow the wheeling of cycles up/down both sides of the proposed bridge. The design does however, allow for ramps to be added/the bridge to be upgraded in terms of its accessibility if/when additional funding becomes available. The southern end of the bridge will link to the public bridleway. The northern end of the bridge will enter the Public Open Space forming part of the Kennet Heath development and will be linked to a Footpath/Cycleway.

**There are two separate proposals that are being considered. If you would like to be sent further details and maps of the proposals please telephone the contact number below giving your name and postal address, as soon as possible. All responses are required by the end of May 2005.**

**Rights of Way Officer 01635 519070**

## Appendix E

### **Thatcham 18 site visit notes – Observations made by Stuart Higgins, West Berkshire District Council Definitive Map Officer**

#### **23<sup>rd</sup> December 2008**

15 users were seen crossing the railway over a twenty minute long visit, only one of whom chose to use the level crossing – the remaining 14 all chose to use the bridge:

The level-crossing user was an adult male on foot with 2 dogs

The bridge users included:

- adult male with a bicycle
- adult female with a bicycle
- adult male on crutches (photo from distance taken)
- nine other walkers including three children (accompanying an adult) with a total of nine dogs between them.
- Adult male and female (both elderly), each with a bicycle travelling together

**25<sup>th</sup> February 2009** – a quick visit in the early afternoon to check notices, I saw none at all

#### **6<sup>th</sup> March 2009**

7 adult walkers covering a full range of ages and 7 dogs. Two of these walkers had no dogs and walked the level crossing. The remaining 5 walkers and all 7 dogs went over the bridge.

One of the walkers had 3 dogs and came to speak with me. He was very pleased the crossing is to be closed off as he cannot understand why it has been left open now that the new housing estate has been built with a children's play area so close to the crossing, and a footbridge in place as an alternative route. He understood the bridleway issue but said he had never seen a horse in the area and could see no reason why a horse rider would want to ride here. He said a couple of years ago his dog got under one of the kissing gates that did not have mesh at the bottom and was hit and badly injured by a train (but had recovered and was now with him). He said mesh was put on shortly afterwards. He said he never used the crossing, he had just been talking to someone at the bottom of the bridge when the dog was spooked and ran under gate and in front of train. He always uses the bridge in favour of the level-crossing and said that most people do the same. As we were talking 2 people walked over the level crossing but 4 others went over the bridge (with a total of 7 dogs).

**13<sup>th</sup> March 2009** – level crossing closed – on the footbridge I saw two adult males with dogs, two adult males on bikes and an adult female with a dog.

**CONFIDENTIAL****PROBLEMS OF THE USE BY THE PUBLIC OF THE AT GRADE BRIDLEWAY 18  
THATCHAM CROSSING OF THE RAILWAY  
WEST OF THATCHAM STATION****CONCLUSIONS AT 18 AUGUST 2006****1 S118 Highways Act 1980 Bridleway 18 Thatcham (part) Extinguishment Order 2005**

1.1 The objections to this order are valid. It is considered that at the present time it would be possible for the objectors to substantiate their opinions that the at grade crossing of the railway is needed for public use by the less mobile, less-fit cyclists and horseriders, who cannot use the bridge. The only possible alternative route for walkers and cyclists is currently via the road network to cross the railway next to Thatcham Station, and then to proceed westwards along the canal towpath, an extra distance of at least a mile, depending on the starting point; for horse riders who cannot use the towpath, the extra distance is several miles. The importance of the railway crossing for access from urban areas on non-vehicular routes to the recreational areas of Crookham and Greenham Commons would also be stressed. The legal criteria for the confirmation of the extinguishment order, that the way would be used by the public if it were not extinguished, and the way is not needed (not not wanted) for public use, might well not be met, and the order could not then be confirmed.

1.2 If the existing bridge over the railway were to be improved so that it could be used by the less-mobile and by less-fit cyclists, there would be a suitable alternative route for these users. If people leading horses could also use the bridge (with the provision of mounting blocks), this would make it an even more suitable alternative route. It could be argued that the at grade crossing is not needed for horseriders, since there is nowhere suitable for them to go north of the railway. In these circumstances, the legal criteria for confirming the order might be met.

1.3 The objections made to the order on the grounds of the lack of a definitive route over the bridge and the lack of a definitive link from the bridleway to the northern end of the bridge can be easily overcome by the dedication by the Council of these routes.

1.4 It is suggested that, at least for the time being, the order is not sent to the Secretary of State for determination, but is not formally abandoned either at this stage, pending the outcome of the initiatives considered below.

**2 Bridge over the railway**

2.1 It is understood that the cost of making this bridge suitable for use by the less-mobile and all cyclists would be in the region of £140,000, but that this would not enable the bridge to be used by horseriders. It is not clear whether or not people leading horses could use the bridge following these improvements.

2.2 It is understood that there is a possibility of securing s106 funding for these improvements to the bridge.

2.3 If the bridge could be improved in this manner (and the required links dedicated by the Council), the objections to the s118 extinguishment order made by the Ramblers'

Association and the local resident, might well be withdrawn, and even the British Horse Society objection might be withdrawn if horses could be led over the bridge. If this is not the case, the objection by the BHS would be far more likely to be dismissed by the Secretary of State.

2.4 There are many very persuasive arguments for funding the bridge improvements:

- the responsibilities of the Council under the Disability Discrimination Act 1995
- the responsibilities of the Council for Health and Safety
- the allocation of s106 funds for highways works including for this purpose
- the promotion of recreational access into the countryside from urban areas, including the use of Greenham and Crookham Commons
- the promotion of non-vehicular, sustainable transport
- the physical and mental health benefits of exercise and countryside recreation
- the improvement in the quality of life of the residents of the District

2.5 It is therefore recommended that the question of the provision of s106 funds should be pursued with urgency, as well as any other possible funding sources.

### **3 Creation of a public bridleway south of the railway as an alternative route to the at grade railway crossing**

3.1 This bridleway would link the southern side of the Bridleway 18 crossing of the railway (whether this be at grade or over the bridge) with the road south of Thatcham Station, so that the public could use the road level crossing as an alternative to the at grade bridleway crossing or the bridge.

3.2 It is definitely not possible that such a bridleway will be legally created by agreement. The owners of the land over which the way would run, the Wallis Trustees, will not agree to this, and neither will British Waterways, whose land would be needed to provide a safe exit on to the road south of the level crossing.

3.3 British Waterways will only give permission for horseriding use of the short section of the canal towpath westwards from the road south of Thatcham Station as far as the metal barrier i.e. about 30 metres, in order to provide a safer exit on to the road than would be provided by the gateway from the field immediately south of the road level crossing. It will not agree to allow horseriding or leading of horses along the towpath west of the barrier.

3.4 The Wallis Trustees will not give permission for horseriding or leading horses on their land.

3.5 An alternative route south of the railway will therefore only be obtainable if a s26 Highways Act 1980 creation order is made and confirmed. The Wallis Trustees would object to such an order, as would British Waterways if it involved its land.

3.6 The legal criteria for the making and confirmation of such an order are onerous; the Council must be able to demonstrate that the convenience or enjoyment of a substantial section of the public would be enhanced by the order, or the convenience of local residents would be enhanced; the detriment of the rights of the landowner must also be considered, although this can be ameliorated by the payment of compensation by the Council.

3.7 It would be necessary for the Council to carry out a substantial amount of investigation and research to be able to show that the convenience and/or enjoyment of a substantial number of people would be improved by the presence of the new bridleway, or that the convenience (not enjoyment) of local residents would be improved. The evidence that this would be the case has not yet been found. Since all users apart from horseriders and those leading horses can currently use the towpath which runs parallel to and only about 100 metres or so away from the proposed new bridleway, any improvement caused by the new bridleway would only be for horseriders, and possibly for cyclists in that a legally secure right to use the route would be obtained (the current access for cyclists along the towpath is, it is understood, permissive). The Wallis Trustees would retain a barrister for any public inquiry, who would be in a position to challenge the Council's evidence if it were not robust. The possible award of costs against the Council would also have to be considered.

3.8 It is therefore considered that the legal creation of this bridleway should not be pursued unless and until all other means of resolving the problems of the crossing have been exhausted.

#### **4 Other means by which the at grade crossing could be closed: s118A order**

4.1 The more usual manner in which railway crossings which are considered to be hazardous or dangerous to users, including those whose sole aim might not be to pass and re-pass the crossing, is to make and confirm a s118A Highways Act 1980 rail crossing extinguishment order.

4.2 The legal criteria for making and confirming such an order are less onerous than for a s118 order; the order must be in the interests of the safety of the public, it must be considered whether or not it would be reasonable practicable the crossing to be made safe for public use, and the arrangements for installing barriers and notices must be considered. Inspectors at inquiries into such orders have also considered the safety and convenience of alternative routes available for public use, compared to the use of the crossing.

4.3 Before such an order were made, it would be essential for Network Rail to provide detailed statistics to show that the crossing does not meet its safety standards; this has been discussed with the relevant staff member, but he is not able to give a response until September. This will be reported to the Council as soon as it is available.

4.4 The suitability of alternative routes must also be considered. If the bridge were improved as described above, this would of course be the alternative for all except horseriders and possibly led horses, and as with the s118 order, it could be argued that they have no need of an alternative as there is nowhere for them to go north of the railway. It might in that case be less time consuming to proceed with the s118 order instead.

4.5 If, however, the bridge has not been improved, and there is real evidence that it is not reasonably practicable to do so, and it could be shown that the crossing was unsafe, a s118A order would have more chance of success than a s118 order. The alternative routes for the less-mobile and less fit cyclists, who could not use the bridge, would be the current roads or the new paths/paths through the new Kennet development, across the road level crossing and along the towpath. These routes could be longer, depending on where people started their journeys, but compared to the use of a crossing which has been shown to be a safety hazard, must be more

convenient (assuming that the road level crossing is considered to be safe for the less mobile and cyclists).

- 4.6 It is therefore considered that if the bridge cannot be improved, and the Council considers on the basis of evidence provided by Network Rail, that the at grade crossing is not safe for the public, the making of a s118A order would be the best way forward. If such an order succeeded, the s118 order already made could be formally abandoned.

## 5 Interim measures

- 5.1 The Council has already stated publicly that it considers the at grade crossing to be dangerous and potentially unsafe for anyone other than an able-bodied adult walkers (Individual Decision Report 22 September 2005). It is therefore incumbent on the Council to take action to remove this safety hazard, both in general terms and in fulfilment of its duty under s130 Highways Act 1980 to assert and protect the rights of the public to the use and enjoyment of all highways.

- 5.2 It is therefore considered that the Council should take immediate steps to close the at grade bridleway crossing by means of a temporary traffic regulation order made under s14 (1) (b) Road Traffic Regulation Act 1984, on the grounds of the likelihood of danger to the public. If it does not take this action, it must be considered that, contrary to the report cited above, the Council does not believe that the crossing is dangerous, and that there was no adequate ground on which the s118 order should have been made. The scale of the development north of the railway means that any current problems will be exacerbated quickly by the number of new people, including children who might not be well-behaved, living near the crossing.

## 6 Conclusions

- 6.1 It is recommended that:

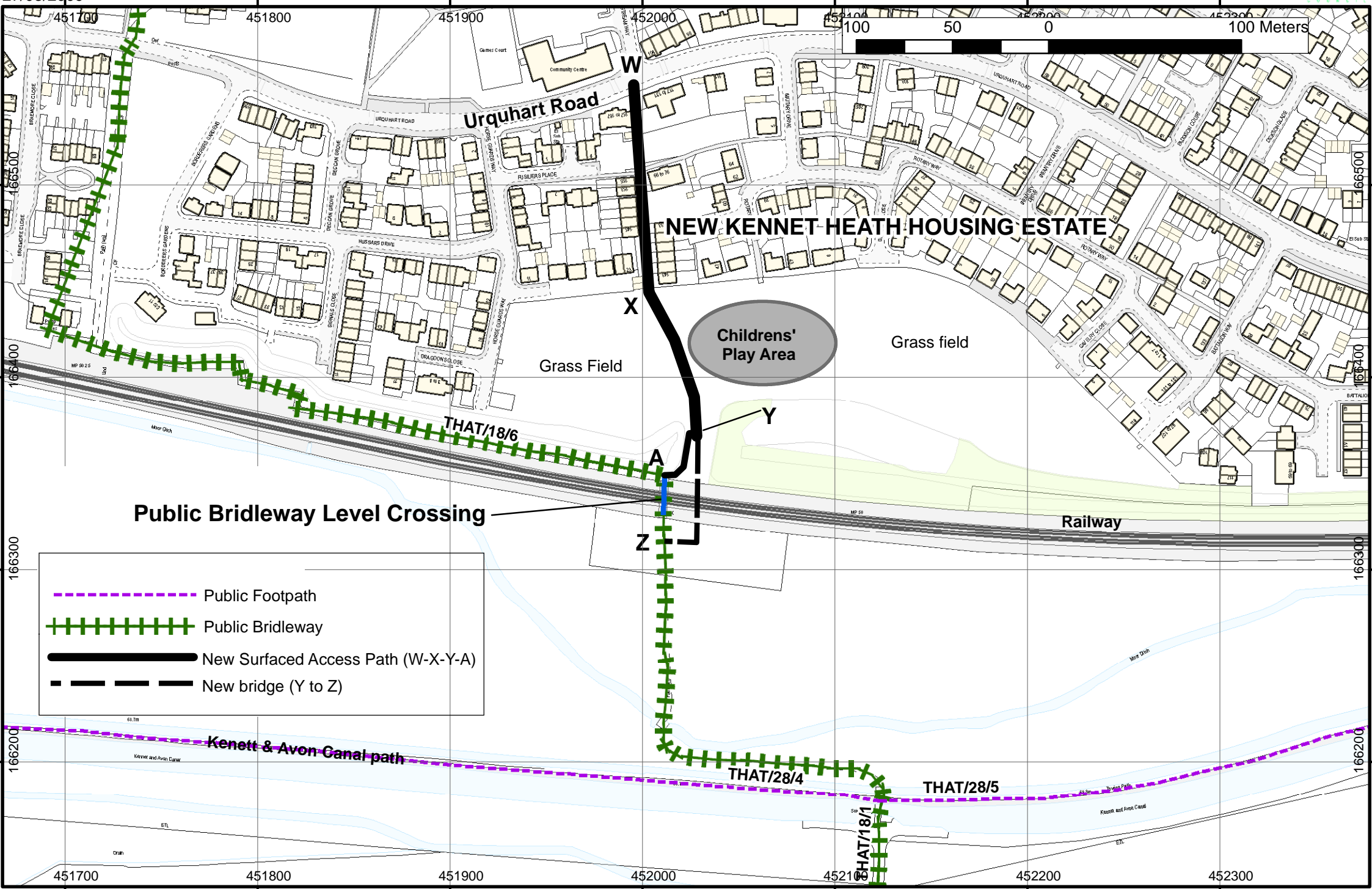
- the s118 extinguishment order be shelved for the time being
- funds to improve the bridge are sought urgently
- a temporary TRO is made to close the at grade crossing
- the views of Network Rail and a realistic option of the chances of securing the bridge improvement funds are awaited before deciding whether or not to make a s118A rail crossing order
- the s26 creation order for a new bridleway only be pursued if there is good evidence that this would be desirable and that the legal criteria are met.





- 6.2 It is considered that by far the best way in which the safety of the public would be secured is by the improvement of the bridge and the subsequent confirmation of a s118 or s118A extinguishment order for the at grade crossing.

Rhoda Barnett  
18 August 2006

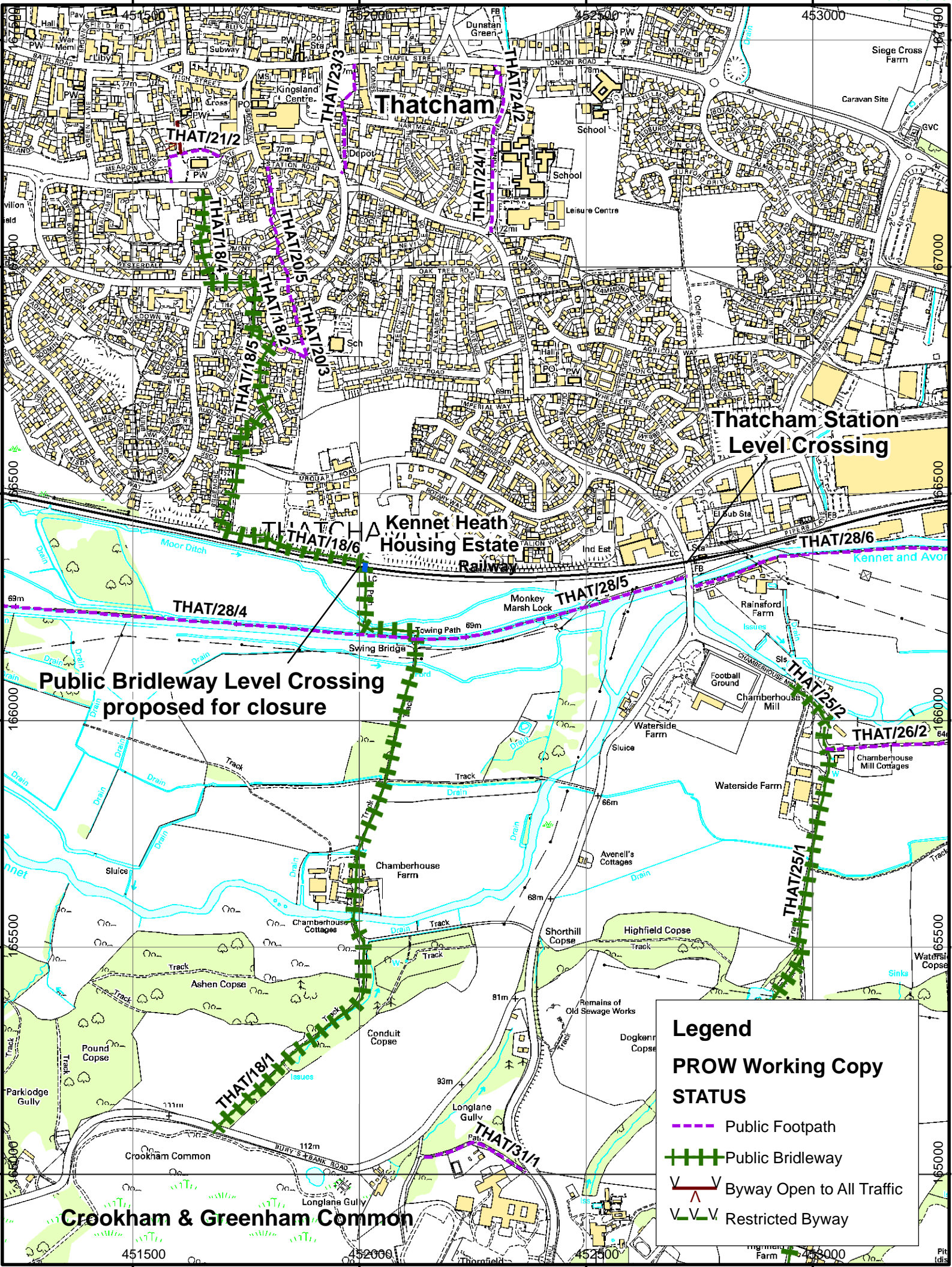
27/03/2009

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-  Public Footpath
-  Public Bridleway
-  New Surfaced Access Path (W-X-Y-A)
-  New bridge (Y to Z)





**Public Bridleway Level Crossing proposed for closure**

**Kennet Heath Housing Estate**

**Thatcham Station Level Crossing**

**Crookham & Greenham Common**

**Legend**

**PROW Working Copy STATUS**

- Public Footpath
- + -+ -+ -+ Public Bridleway
- v v v Byway Open to All Traffic
- v -v -v Restricted Byway