



AGENDA

Kent County Council

REGULATION COMMITTEE MEMBER PANEL

Wednesday, 1st March, 2017, at 10.15 am
The Hope Room, Otford Village Memorial
Hall, 8 High Street, Otford TN14 5PQ

Ask for: **Andrew Tait**
Telephone **03000 416749**

Tea/Coffee will be available 15 minutes before the meeting

Membership

Mr A H T Bowles (Chairman), Mr S C Manion (Vice-Chairman), Mr L Burgess,
Mr M J Harrison and Mr T A Maddison

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

1. Substitutes
2. Declarations of Interest by Members for items on the agenda
3. Application to divert Public Footpath SR49 from the at grade Foot Crossing to a stepped bridge at Otford. (Pages 3 - 70)
4. Other items which the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

John Lynch
Head of Democratic Services
03000 410466

Tuesday, 21 February 2017

Application to divert part of public footpath SR49 from the at grade foot crossing to a stepped bridge at Otford, Sevenoaks

A report by the Head of Regulatory Services to Kent County Council's Regulation Committee Member Panel on Wednesday 1st March 2017.

Recommendation: I recommend that the applicant be informed that an Order to divert public footpath SR49 from the 'at grade' foot crossing to a stepped bridge at Otford, Sevenoaks, is made.

Local Member: Mr Nick Chard

Unrestricted item

Introduction and background

1. The County Council has received an application to divert part of public footpath SR49 at Otford. The application has been made by Network Rail, in the interests of safety, to remove the at grade foot crossing from the railway line and to run the path over a stepped bridge. Planning permission has been granted for the construction of the bridge (Planning reference: SE/15/01863/PART18 granted on 18th September 2015).
2. In respect of danger, this particular crossing is ranked by Network Rail as 29th of 561 level crossings on the South East Route. In terms of risk when considering those crossings which cater for public footpaths, this one ranks 1st of 278 and puts it within the top 1% in the country based on Network Rail's assessment.
3. On a normal week day there are approximately 108 services that stop at Otford station with the number of train movements varying between 156 and 173 per day.
4. The main concerns for Network Rail at this crossing are the insufficient sighting, high level of use and evidence of misuse, coupled with the high level of vulnerable users, in particular unaccompanied children and the elderly. The proposed solution of a footbridge with steps would remove the risk of serious injury to users and allow uninterrupted use.
5. The length of path to be diverted is shown by solid black lines between points A-B on the plan at **Appendix A**.
The proposed new route is shown by bold black dashes between points A-C-D-B. An extract from the Definitive Map can be found at **Appendix B** to show the path in context with the rest of the public rights of way network.
6. A copy of the application and Diversity Impact Assessment can be found at **Appendix C**.

Policy

7. The Countryside Access Improvement Plan, Operational Management document (2013) sets out the County Council's priorities for keeping the Definitive Map and Statement up to date. The main priorities in respect of Public Path Change Orders are:

Public Path Change Orders will normally be processed in the order in which applications are received, except in any of the following circumstances where an Order maybe processed sooner:

- Where it will satisfy one or more of the relevant key principles set out in paragraphs 4.14 – 4.25 of the CAIP Operational Management document,
 - Where an application has been made to the County Council in its capacity as Planning Authority
 - Where the processing of an Order could save significant costs incurred in other Rights of Way functions
 - Where a Public Path Change Order is made concurrently with Orders made under Section 53 of the Wildlife and Countryside Act.
8. The County Council will take into account whether the following criteria are satisfied before promoting a Public Path Change Order. Irrespective of the following, the statutory tests (as set out within the Legal Tests section) for changing public rights of way must apply.
- I. The status of the route must not be in dispute at the time of the application, unless the Public Path Order is being implemented concurrently with an application under Section 53 of the Wildlife and Countryside Act 1981.
 - II. The applicant must agree to meet the County Council's costs of promoting the Order and bringing the new path into a fit condition for public use.
 - III. The applicant must also agree to defray any compensation which may become payable as a result of the proposal.
 - IV. The definitive line should, where it is considered by the County Council to be reasonably practicable be open, clear and safe to use.
9. However, nothing in this policy is intended to prevent the County Council promoting a Public Path Change Order in any case where it considers it appropriate in all the circumstances to do so.

Legal Tests – Rail Crossing Diversion Order

10. Legislation relating to the diversion of a public path is contained within Section 119A of The Highways Act 1980: The Procedure is in Schedule 6 of the same Act.

(i) The Council may make an Order to divert a public path if it is satisfied that it is in the interests of the safety of users or likely users of at grade crossings.

(ii) particular consideration has to be given to whether or not it is reasonably practicable to make the existing crossing safe for the public and what arrangements will be made to erect and maintain barriers and signs at the closed crossing.

Government Guidance

11. Rights of way circular (1/09) Guidance for local Authorities – also states:

Rail crossing diversion orders (section 119A of the 1980 Act) Para 5.51

“While other criteria are not specified in section 119A, the new way should be reasonably convenient to the public and authorities should have regard to the effect that the proposal will have on the land served by the existing path or way and on the land over which the new path or way is to be created. Consideration should also be given to the effect that the diverted way will have on the rights of way network as a whole and the safety of the diversion, particularly where it passes along or across a vehicular highway.”

Consultations:-

12. Consultations have been carried out as required by the Act:-

County Member and Borough Councillors

13. County Member Mr Nick Chard and District Councillors John Edwards-Winser and Michelle Lowe were consulted. The Public Rights of Way and Access Service ("PROWAS") made a request to Mr Chard that this case should be put before Members for decision, which he agreed to, but he expressed no opinion on the proposal itself.

The Rt Hon Michael Fallon MP

14. Although not consulted directly, a number of residents and a Parish Councillor contacted Michael Fallon MP to express their concerns about the consultation process and the impact of the crossing on disabled access and to ask him to facilitate a site meeting. The process and procedure was explained to Mr Fallon, and the consultation deadline was extended and a further site meeting was held.

Sevenoaks District Council

15. Sevenoaks District Council stated it had no objection to the proposed diversion. A site visit had been carried out as part of the assessment and the District Council considered the proposal is in the interest of public safety and that the diversion does not significantly increase the distance of the path or make it substantially less convenient for the public.

Otford Parish Council

16. Otford Parish Council agrees with the proposal. However, Parish Councillor Philip Clucas responded to the consultation separately. He had previously suggested an alternative bridge crossing in 2014, which Network Rail rejected mainly due to cost and time factors. Despite having had several meetings, Network Rail did not address the following issues that Councillor Clucas raised:
- Consideration of local resident Tom Housden's disability (cerebral palsy);
 - On-going maintenance and other safety features such as lighting, wet / freezing weather;
 - Accidents related to steps on a footbridge greater than that on level crossings;
 - Many parents with buggies & young children would find it very hard to negotiate the 60+ steps on the bridge. He believes that this group of people would end up having to walk further to avoid the bridge and cross the dangerous Station Road (possibly twice) to get to and from the school;
 - Clarification on who would clear / grit the steps in snow and icy weather; who would be responsible if an accident occurred?
 - Councillor Clucas attended a further site meeting with PROWAS Officers.

The Otford Society

17. The Otford Society does not object to the proposal.

User Groups

18. The Open Spaces Society, the Ramblers and the British Horse Society were consulted. The Ramblers' representative agrees with the proposal but noted that a bridge would be less convenient for the elderly and physically disabled.

West Kent Area Public Rights of Way Officer

19. The PROW Officer responsible for the Sevenoaks area does not agree with the proposal. She considers that the increased risk to personal attack (there will be seven changes of direction within the new route and no sight of anyone hiding) outweighs the danger to pedestrians of collisions with rolling stock. The proposed new route will be longer and the bridge would contain 62 steps as opposed to two stiles currently on the footpath.

Statutory Undertakers

20. No objections were received from any Statutory Undertakers who responded to the consultation.

Kent County Council Traffic Schemes (Highway Services)

21. No response was received from Kent Highway Services.

Tom Housden

22. Tom Housden is a local resident and has cerebral palsy. He attended the site meeting with PROWAS Officers. He objects to the proposal as the existing two stiles leading to the level crossing do not present him with any difficulty, but the large amount of steps on the proposed bridged crossing would be more dangerous and more inconvenient for him. He has not had any response from Network Rail to his disability issues. Network Rail has stated to the County Council that it is unable to assess the needs of individuals.

Barry Davies

23. Barry Davies attended the site meeting with PROWAS Officers. He objects to the proposal, stating that, in his opinion, accidents on level crossings are very rare; the risk only exists when the hazard (the moving train) is present. At all other times, the risk is zero. However, falls from staircases are one of the most common causes of accidents in the UK, and can also prove fatal. Every user will be exposed to this hazard every time. He further suggested that the collective risk of injury is likely to be greater than that from the occasional passing train. Mr Davies also considered that users with pushchairs or bicycles would not be able to use the bridge and so would have to go a significant distance further and along the main road. The road does not have a footway all the way along and so could carry a greater risk than that associated with the level crossing.

The Case - the proposed diversion of part of Public Footpath SR49 at Otford

24. In dealing with the application to divert a public right of way, consideration must be given to the following criteria of Section 119A of the Highways Act 1980: -

- a) Whether it is in the interests of the safety of users or likely users of at grade crossings
- b) whether it is reasonably practicable to make the crossing safe for use by the public, and what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.
- c) whether the diversion order alters a point of termination of the path or way, if that point is not on a highway over which there subsists a like right of way or, otherwise than to another point which is on the same highway, or another such highway connected with it.
- d) whether the order should make provision requiring the operator of the railway to maintain all or part of the right of way created by the order.

25. To be taken into account but not listed as criteria under Section 119A of the Act but in Rights of Way Circular (1/09):

- a) Whether the right of way will be reasonably convenient to the public;
- b) The effect the proposal will have on the land served by the existing path or way and on land over which the new path or way is to be created.
- c) The effect that the diverted way will have on the rights of way network as a whole.
- d) The safety of the diversion, particularly where it passes along or across a vehicular highway.

26. Those criteria are considered individually and conclusions drawn below: -

a) *Whether it is expedient in the interests of the safety of users or likely users of the crossing.*

A number of risk assessments have been undertaken by Network Rail, the most recent in October 2015. This latest risk assessment increased the risk score from a rating of C3 (high risk) to C2 (higher risk), due to usage figures and an increase in numbers of vulnerable users. This is despite the fact there is a temporary speed restriction in force limiting trains to 45mph rather than the usual 60mph. The temporary speed restriction was imposed due to the insufficient sighting available at the level crossing. Whistle boards had previously been installed in order to mitigate the insufficient sighting at the crossing; however, following a Noise Abatement Notice, they had to be removed. The resulting impact was the implementation of the speed restriction.

In terms of danger, this particular crossing is ranked by Network Rail as 29th of 561 level crossings on the South East Route. In terms of risk, when considering those crossings which cater for public footpaths, this one ranks 1st of 278 and puts it within the top 1% in the country based on Network Rail's assessment. The main concerns for Network Rail at this crossing are insufficient sighting, high level of use and evidence of misuse, coupled with the high level of vulnerable users, in particular unaccompanied children and the elderly. An incident log provided by Network Rail can be found at **Appendix C**. These incidents are not weighted however. As part of the risk modelling, Network Rail's *All Level Crossing Risk Model* asks a number of questions and one of them is whether there have been any incidents in the last three years. If the answer is yes, then the box is ticked and the *All Level Crossing Risk Model* will add this information into its risk score. Network Rail considers the proposed solution of a footbridge with steps would remove the risk of serious injury to users and allow uninterrupted use.

Network Rail has calculated that 13.5 seconds are required for vulnerable users to cross a level crossing. The traverse time is calculated based on the length of the crossing between decision points. For this crossing, this was calculated by taking an average person 9 seconds to cross. Due to the amount of vulnerable users that cross the crossing an additional 50% was added to the traverse time.

It is difficult to fully assess the safety case Network Rail has put forward and so witness statements relating to the logged incidents were requested by the County Council under Freedom of Information. This was to ascertain which incidents were relevant and what the criteria was for reporting a 'near miss'. The incident (logged at **Appendix C**) that was deemed a suicide, for example, could not be seen as relevant in this case; nor some of the other incidents logged such as "contractor working unsafely." Network Rail has confirmed that the only criteria for reporting a 'near miss' is if the driver considers it to be; it is totally dependent on the driver's perception of the incident. Unfortunately, Network Rail has only recently responded that it does not hold the information requested and that it is held by the British Transport Police so a further FOI request would have to be made to them.

It is evident that there have been some incidents on this level crossing, particularly in relation to misuse, although it is too difficult to accurately assess the near misses. There is, of course, an inherent risk with any level crossing, but, as Mr Davies has pointed out, when no train is present, neither is the risk. Network Rail considers that the stepped bridge will be a safer option for the public, also enabling uninterrupted use of the crossing. There is an argument that for at least one member of the public who uses the crossing regularly (Tom Housden), a stepped bridge will be more dangerous. However, for those who are blind or partially-sighted for example, a bridge will be much safer.

Taking into account all of the above, this case is very finely balanced; but taking into account the number of trains using this line, the ever increasing speeds of those trains and the number of incidents at this crossing, the County Council considers that, on balance, it is expedient to divert the footpath in the interests of the safety of users or likely users of the crossing.

b) whether it is reasonably practicable to make the crossing safe for use by the public, and what arrangements have been made for ensuring that, if the order is confirmed, any appropriate barriers and signs are erected and maintained.

Whistle boards had previously been installed on both approaches in order to mitigate the insufficient sighting at the crossing. However, due to noise complaints and the serving of a Noise Abatement Notice, the whistle boards had to be removed. The resulting impact was the implementation of the speed restriction, which affects train performance and causes delays. Vegetation management has been undertaken, and is regularly required to maintain current sighting distances, but due to track curvature no further improvement could be made to available sighting.

Network Rail has not identified any other works that could be undertaken to improve safety of the crossing.

The existing level crossing will be securely fenced off in order to prevent unauthorised access to the railway. Any signage required by the Council at the crossing (and any other points) will be provided.

c) whether the diversion order alters a point of termination of the path or way, if that point is not on a highway over which there subsists alike right of way or, otherwise than to another point which is on the same highway, or another such highway connected with it.

The new route does not alter the point of termination of the path.

d) whether the order should make provision requiring the operator of the railway to maintain all or part of the right of way created by the order.

Network Rail will maintain the structure of the bridge and future maintenance of the surface of the footpath where it forms part of the bridge.

Tests to be considered under Circular (1/09)

27. a) Whether the right of way will be reasonably convenient to the public.

The proposed route will run over a new stepped bridge which has been granted planning permission. The bridge will have 28 steps on its eastern side with a mid-way level and 34 steps on its western side with a mid-way level. The existing route has a stile and a series of approximately 6 wide-spaced steps leading to the east side of the level crossing and a stile on the west side. Network Rail has been asked if the stiles could be removed to make access easier but it has stated that this would increase the risk to the crossing as more vulnerable users would be able to use the crossing, further increasing the level crossing risk. This is unacceptable to Network Rail. Although not easily negotiable, it is known that some people with pushchairs do use this route; it is unlikely they would be able to use the stepped bridge. As already stated, local resident Tom Housden, currently uses the level crossing without issue, but would find the bridge very inconvenient and dangerous so may not be able to use it. Network Rail has stated that it is unable to assess the needs of individuals. Wheelchair users cannot use the existing route and would not be able to use the stepped bridge either. People who are visually impaired or blind would find the bridge more convenient and easier to use. Taking the above into account, it is evident that the stepped bridge will inconvenience some users of the crossing.

b) The effect the proposal will have on the land served by the existing path or way and on land over which the new path or way is to be created.

The proposal will have no impact on the land served by the existing right of way or on land over which the new path is to be created.

c) The effect that the diverted way will have on the rights of way network as a whole.

The diverted way will have little impact on the rights of way network as a whole. The termination points are unchanged and there is very little added distance as a result. However, the bridge will possibly exclude some walkers who can currently use the level crossing.

d) The safety of the diversion, particularly where it passes along or across a vehicular highway.

The safety of the new route over the stepped bridge has been queried. Network Rail was asked to provide accident statistics on its current stepped bridges (in relation to falls, etc.) so that a comparison of risk could be made. See **Appendix D** for a table showing the accident statistics. These are recorded via Network Rail's National Helpline and entered into its Safety Management Information System. It is recognised that there may be many more incidents that are never reported to Network Rail. There is, therefore, a concern that the proposed new route running over the stepped bridge is not significantly safer than the level crossing.

Further considerations

28. In addition to the tests set out in section 119A of the Highways Act 1980, the County Council must also have regard to the following issues when considering an application to divert a public right of way:

29. Under section 29 of the Highways Act 1980, the County Council has a duty to have regard to the needs of agriculture (including the breeding and keeping of horses), forestry and the desirability of conserving flora, fauna and geological and physiographical features. In this case, there is no adverse effect caused by the diversion of the path.

30. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that every public authority must have regard "*so far as is consistent with the proper exercise of [its] functions, to the purpose of conserving biodiversity*". In this case, there is no adverse effect caused by the diversion of the path.

31. Where the affected land forms part of an Area of Outstanding Natural Beauty (AONB), section 85 of the Countryside and Rights of Way Act 2000 requires that the County Council shall have regard to "*the purpose of conserving and enhancing the natural beauty*" of the AONB. In this case the land does not form part of the Kent Downs AONB and as such there is no adverse effect.

32. Under section 17 of the Crime and Disorder Act 1998, the County Council has a duty to exercise its functions "*with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area*". In this case, there is no adverse effect caused by the diversion of the path.

33. Finally, the County Council is subject to the public sector duty regarding socio-economic inequalities set out in section 1 of the Equalities Act 2010. Network Rail has conducted a Diversity Impact Assessment (see **Appendix C**). Although this Assessment did not consider all disabilities, and in particular that of Tom Housden, it is clear that the new route running over the stepped bridge will be better for some users (including those who are visually impaired), but detrimental to and exclude others.

Conclusion

34. As already stated, it is considered that this case is very finely balanced. Network Rail does have a safety case and the tests under section 119A of the Highways Act 1980 are met. However, the new route runs over a high stepped bridge, which includes its own risks, and will exclude some members of the public that are currently able to access the existing route. On balance it is considered that an Order should be made. However, in view of the fine balance here, this is one case where the evidence both for and against the application lends itself to being tested at a Public Inquiry. Therefore, if objections are received and the Order is submitted to the Secretary of State for the Environment, Food and Rural Affairs for determination, the County Council should take a neutral stance at a Public Inquiry.

Recommendation

35. Therefore, it is recommended that the County Council makes an Order under Section 119A of the Highways Act 1980 to divert part of Public Footpath SR49 at Otford as shown in Appendix A to this report, on the grounds that it is expedient to divert the path and that the Definitive Map and Statement are amended accordingly. It is further recommended that, if objections are received and the Order is submitted to the Secretary of State for the Environment, Food and Rural Affairs, the County Council will take a neutral stance.

Accountable Officer:

Mr Mike Overbeke – Tel: 03000 413427 or Email: mike.overbeke@kent.gov.uk

Case Officers:

Mr Graham Rusling – Tel: 03000 413449 or Email: graham.rusling@kent.gov.uk

Mrs Maria McLauchlan – Tel: 03000 413420 or Email: maria.mclauchlan@kent.gov.uk

The case file is available for viewing on request at the PROW & Access Service, Invicta House, County Hall, Maidstone, Kent, ME14 1XX. Please contact the Case Officer for further details.

List of appendices

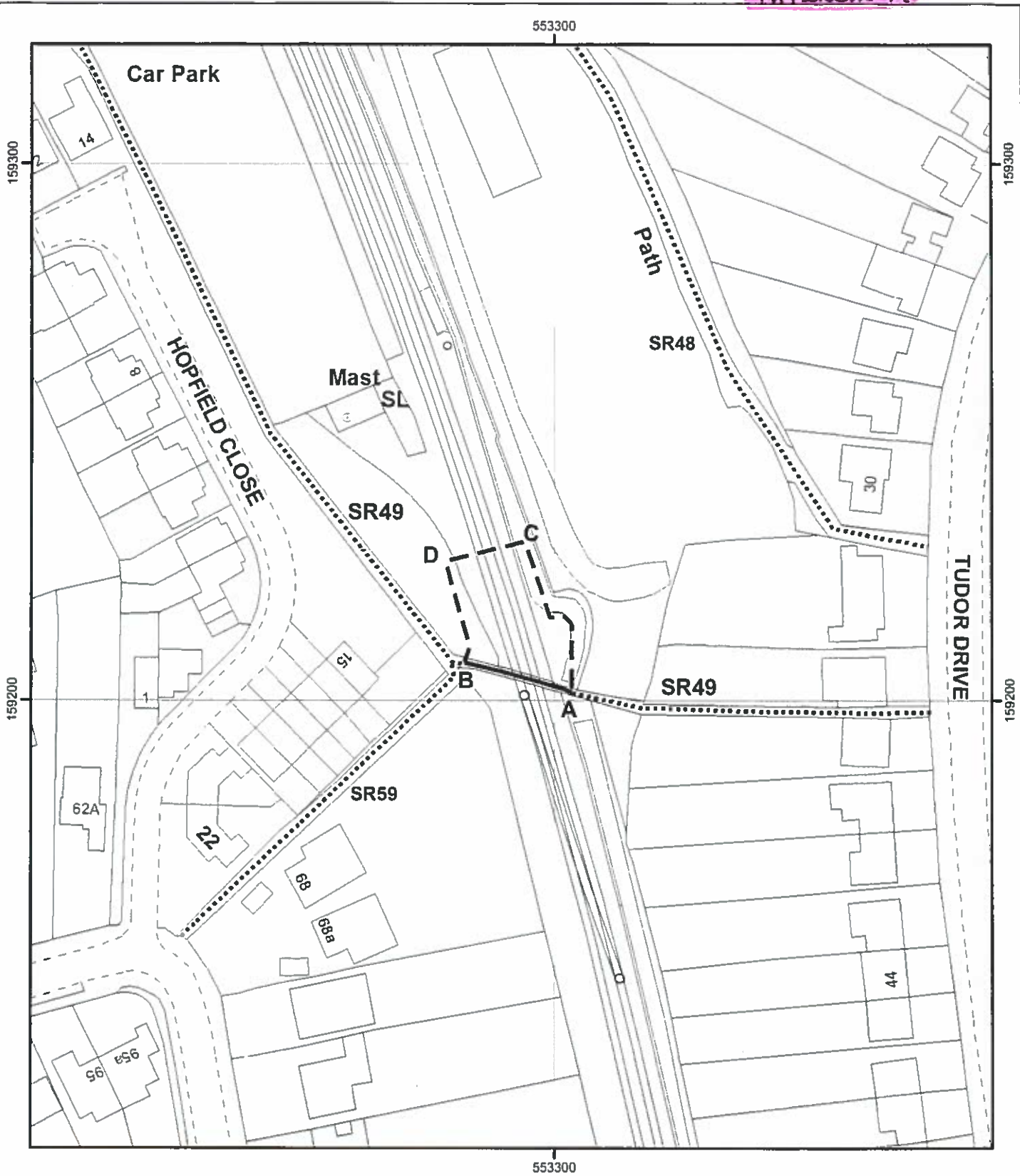
Appendix A - Plan of proposal

Appendix B - Extract from the Definitive Map, sheet 019 (TQ55NW)




Appendix C - Copy of the application and Diversity Impact Assessment

Appendix D - Statistics in relation to falls from steps

Case file - PROW/SR49/7/NR



Key

-  Route to be diverted
-  New Length of route
-  Unaffected Routes

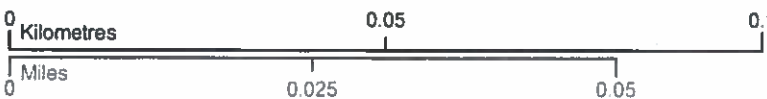
Highways Act 1980 - Section 119A
Kent County Council
Proposed Rail Crossing Diversion of
Public Footpath SR49 at Otford

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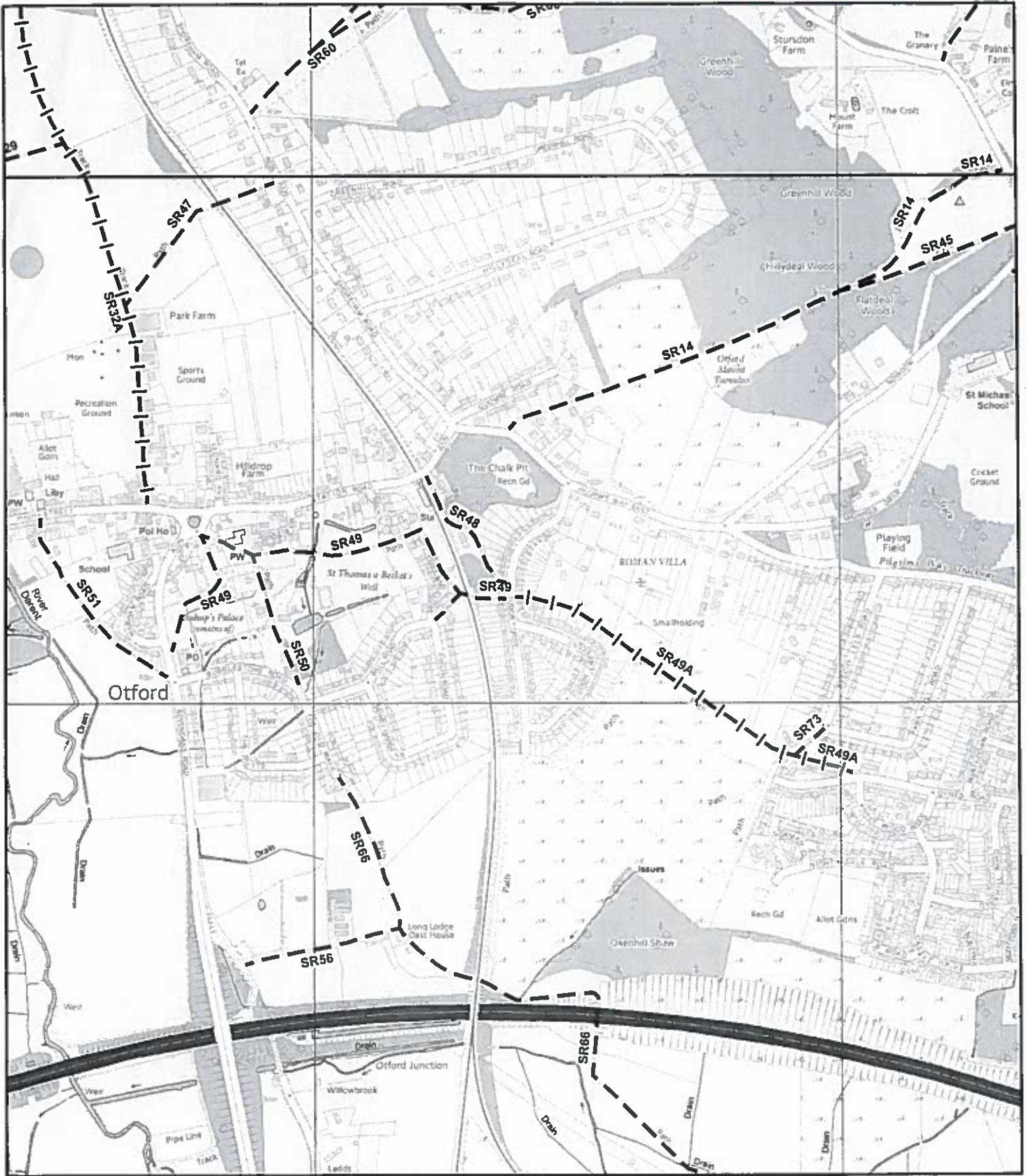


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Reference: PROW/SR49/7/NR



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- Footpath
- |- Bridleway
- ∨-∨ Restricted Byway
- ∧-∧ Byway Open to All Traffic
- Point path number or status changes
- Boundary of area covered by 1:2500 scale Network Map
- ▨ Area covered by 1:2500 scale Network Map

EXTRACT OF THE WORKING COPY OF THE DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY FOR THE COUNTY OF KENT

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Issue Date:	04/08/2016
Reference:	Map Sheet O19
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REQUEST FOR A RAIL CROSSING DIVERSION ORDER TO BE MADE UNDER SECTION 119A OF THE HIGHWAYS ACT 1980 (INSERTED BY THE TRANSPORT AND WORKS ACT 1992)

The following questions are to be answered and the information and maps requested to be supplied by the applicant to the council which is to be requested to make the order. Tick the relevant box shown in some questions.

FOR AUTHORITY'S USE ONLY
File Ref: PROW/SR49/7/NR
Date acknowledged:

1. RAIL CROSSING TO BE EXTINGUISHED BY THE DIVERSION ORDER

- (a) Name and location of rail crossing (including grid reference and parish or district in which it is located).

Name: Pilgrims Way Level Crossing
Nearest station: Otford
Mileage: SBJ @ 24 miles 14 chains
NGR: TQ533592
Parish: Otford
District: Sevenoaks
County: Kent

- (b) Name(s) and number(s) of any footpaths and/or bridleways leading to the crossing to be extinguished. (Indicate whether footpath or bridleway.)

FP No: SR 49

- (c) Length in metres of any path or way to be extinguished.

23 metres

- (d) Description of any length of path or way to be extinguished by reference to terminal points shown on attached map which must be to a scale of not less than 1:2500 or, if no such map is available, on the largest scale readily available.

The line coloured red on the attached plan.

- (e) List the name(s) and address(es) of the owners, lessees and occupiers of the land on either side of any path or way to be extinguished.

The Applicant is the owner of all relevant land.

- (f) Have you obtained the written consent of every person having an interest in the land over which any path or way to be extinguished passes, in so far as such consent is needed?

Yes.

If YES, enclose all the written consents.

Please see (e) above.

If NO, enclose all written consents that you now possess and give particulars of those where consent has been refused or has yet to be obtained.

- (g) Is the crossing, or any path or way to be extinguished, subject to any limitations or conditions?

Yes

If YES, give details.

There is a stile present at either side of the level crossing, together with steps from the stile to the crossing. The level crossing deck also has a slight skew, extending the crossing time for users.

2. NEW PATHS OR WAYS TO BE CREATED

- (a) Describe type: Bridleway or Footpath

Footpath

- (b) Give description: width, length, terminal points (indicating any sections which run over existing paths or ways) by reference to the accompanying map at paragraph 1(d) above.

Width: 2m

Length: 71 metres

Diversion route is shown by a solid green line on the attached plan.

- (c) List the name(s) and address(es) of the owners, lessees or occupiers of the land over which the new path(s) or way(s) would pass.

The Applicant is the owner of all relevant land.

- (d) Have you obtained the written consent of every person having an interest in the land over which the path or way to be created passes, to this land being dedicated for this purpose, in so far as such consent is needed?

Yes.

If YES, enclose all the written consents.

Please see (c) above.

If NO, enclose all written consents that you now possess and give particulars of those where consent has been refused or has yet to be obtained.

- (e) Are you prepared to maintain all or part of the path or way to be created?

In part.

If NO, give reasons.

If IN PART, state which sections you are prepared to maintain and give reasons.

Network Rail will maintain the structure of the bridge, with the Highway Authority responsible for the surface.

- (f) Will the highway authority accept responsibility for that part of the path or way to be created which does not pass over the applicant's land?

N/A

If YES, a copy of any relevant letter must be attached.

If NO, state reasons.

- (g) Are you prepared to enter into an agreement with the council in accordance with section 119A(8)?

Yes.

If NO, give reasons.

If IN PART, state upon what matters you are not prepared to enter an agreement with the council and the reasons.

- (h) Will the new path or way connect with a trunk road?

No.

- (i) Give reasons for the proposed rail crossing diversion order. Include information about:

- i. The use currently made of the existing path, including numbers and types of users, and whether there are significant seasonal variations, giving the source for this information, together with details of any survey carried out (any circumstances preventing or inhibiting such use must also be mentioned);

The path over the level crossing is well used by local residents, walkers, dog walkers, families, unaccompanied children and the elderly.

It is estimated that there are approximately 172 users of the level crossing per day.

This is considered to be a high level of use over a public footpath level crossing.

It is also known that people will cross over the level crossing with bicycles; thus impeding their manoeuvrability/ability to react to an approaching train and slowing them down in general when passing over the level crossing.

Given the location of the level crossing, and being that it provides access to/from Otford Railway Station and several housing estates, it is not felt that use of the level crossing varies seasonally; following a 9 day census (as reported in the attached Diversity Impact Assessment) the use of the crossing is seen to be of a consistent level.

- ii. The risk to the public of continuing to use the present crossing, and the circumstances that have given rise to the need to make the proposed order;

The last risk assessment was carried out on 26th March 2014. On Network Rail's All Level Crossing Risk Model, which assigns a relative risk to each level crossing, the crossing scored a rating of C3, making it high risk (please see Appendix A for further information).

The key risk drivers are:

- Insufficient sighting of approaching trains
- Fast and frequent trains
- High level of users
- High level of vulnerable/encumbered users
- Sun glare

A few recorded incidents of misuse are listed below:

Date	Incident
11 th September 1998	Children playing on crossing/near line.
17 th August 1998	Near miss with pedestrian.
25 th June 2003	Fire at level crossing.
2 nd June 2004	Elderly man reported standing on crossing.
2 nd July 2005	Children playing chicken on level crossing.
9 th August 2008	Children playing on chicken on level crossing.
10 th March 2007	Pedestrian crossed in front of train. Emergency brake applied.
17 th May 2009	Near miss with six ramblers.
23 rd October 2009	Near miss with pedestrian chasing dog. Emergency brake applied.
6 th November 2009	Near miss with pedestrian.
30 th September 2011	Persons witnessed trespassing on track from level crossing.
31 st December 2011	Four youths crossed in front of train. Emergency brake applied.
22 nd September 2012	Group of youths playing chicken on crossing.
8 th October 2012	Three pedestrians witnessed standing on crossing as train approached.
21 st April 2013	Female ran across crossing in front of approaching train.
27 th April 2013	Fatality at crossing. Deemed suicide.
11 th July 2013	Misuse by children at crossing.
18 th April 2014	Children throwing stones from crossing at approaching trains.

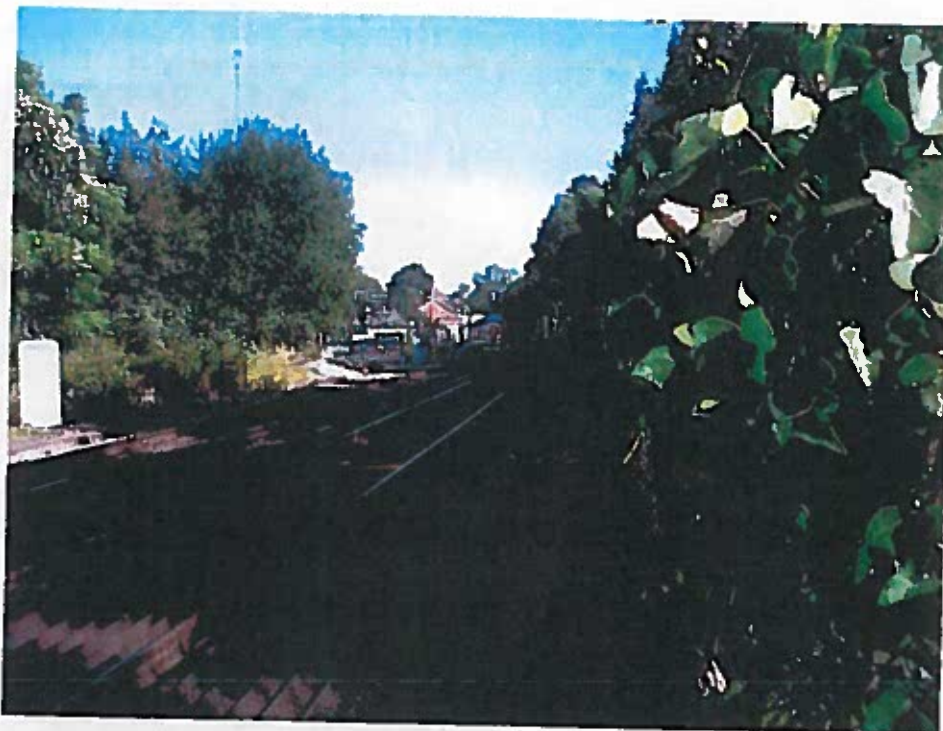
21 st January 2015	Bicycle left on rails at crossing. Struck by train.
16 th March 2015	Three youths ran across in front of approaching train. One then ran back in front of train.
5 th June 2015	Couple crossed in front of approaching train.

The level crossing is situated between Tudor Drive to the east and Evelyn Road/Hopfield Close to the west.



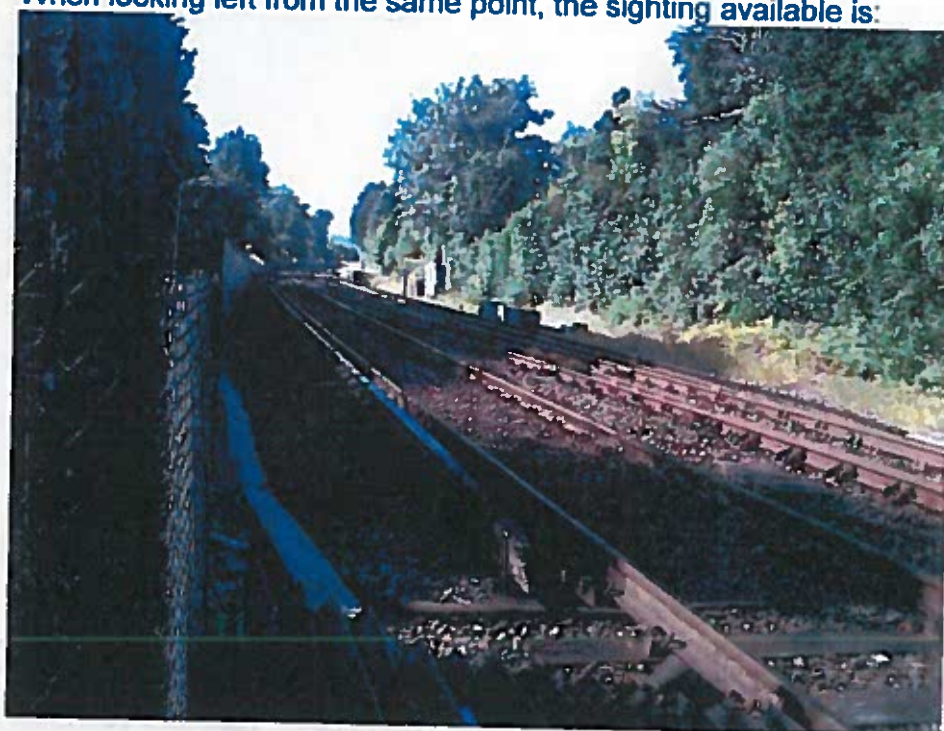
It can be noted from this photo that the level crossing surface has a 'skew' in it; this also adds to the risk of the crossing as users cannot walk in a direct and straight line in order to cross over the railway line.

When crossing from Tudor Drive and looking right towards Offord Station, the available sighting of approaching trains to a user is:



The sighting here can be obscured due to vegetation and track curvature; even with vegetation management this cannot be sufficiently improved; there are no options available to improve the sighting.

When looking left from the same point, the sighting available is:



Again, it can be seen that available sighting is reduced due to track curvature. This could not be improved.

When looking left from the Evelyn Road/Hopfield Close side of the crossing, towards Otford Station, the available sighting is:



When looking right from the same point, the sighting available is:



It can be appreciated from these photos that the available sighting is much worse when crossing from west to east, due to the track curvature. These sighting distances cannot be increased.

In order to mitigate the insufficient sighting distances available to users whistle boards were installed on both approaches; they required train drivers to sound their horns on approaching the level crossing. This system relied on the individual actions of drivers and the residual risk remained that users of the level crossing may not hear or appreciate the significance of the train horn.

However, due to noise complaints and the serving of a Noise Abatement Notice, the whistle boards were removed.

As a consequence a Temporary Speed Restriction was placed on the line, requiring trains to travel at a slower speed, thus affecting train performance and causing delays.

One of the main concerns (second to that of insufficient sighting) at this crossing is the high level of usage, especially by unaccompanied children.

Unaccompanied children are more likely to become distracted when using the level crossing and are more likely to misuse the crossing when in groups, thus increasing the risk at the crossing.

The usage is of further concern given that users are required to negotiate stiles and steps when accessing the level crossing and may lose their balance whilst trying to carry items, guide children, control dogs, or push bicycles over the crossing.

As mentioned above, the level crossing surface is also at a slight skew so users must negotiate the decking in place and are unable to pass over the level crossing in a consistent straight line; not only does this increase the length of time it takes to pass over the level crossing, but it may also cause users to lose balance or trip when carrying objects etc.

Given the consistent level of usage of the level crossing there are concerns that users may become complacent and fail to look and listen correctly for approaching trains; this is most likely when users only use the crossing at certain times of day and may cross under the illusion that it is safe to do so, as it has been at that time of day before, without checking correctly.

The line speed on both lines over the crossing is 60 mph; it is possible that this line speed will be increased in line with government policies to reduce passenger journey times.

There are 170 trains passing over the crossing per day; it is also possible that this number may increase in line with government desires to increase passenger numbers on the railway.

Insufficient sighting at the crossing, coupled with the fast speed of approaching trains, with virtually no approaching sound, produces a negative relationship between the crossing time for users and the approaching trains.

- iii. The effect of the extinguishment of the crossing and the creation of the proposed new path(s) or way(s) having regard to the convenience to users and the effect on any connecting rights of way and the network as a whole;

The footpath will be diverted to a newly erected stepped footbridge situated approximately 20 metres to the north of the existing level crossing.

Convenience to users will be minimally impacted as the proposed diversion route links the land on both sides of the crossing and also links up to the existing footpath network in the area at the same points as the current footpath.

Users of the footpath will also no longer have to stop to wait for trains to pass or come in to direct contact with the railway line.

The proposed diversion route, via the footbridge, will take less than 5 minutes to walk.

The attached Diversity Impact Assessment (DIA) discusses further the impact of closure of the level crossing and Network Rails' assessment of the proposed diversion in regards to the Equalities Act 2010.

Whilst the attached DIA recognises that use of the level crossing is made by users with pushchairs, it is noted that those users have the physical capability to manoeuvre those pushchairs over two stiles and via steps in order to pass over the crossing; it is not felt that a stepped footbridge would therefore have a negative impact on those users. It should also be noted that this use only made up 0.6% of total usage of the crossing. Further, the installation of a footbridge will prevent users with pushchairs coming into direct contact with the railway and will therefore have much safer crossing experience.

Due to the current level crossing only enabling access via able-bodied persons it was not possible under the DIA to assess what, if any, usage was desired by non-able bodied users. As detailed in the DIA there is an accessible alternative route already in existence via Station Road overbridge, 200m to the north.

It should also be noted that the approaches on both sides of the level crossing are very narrow and it is likely that third party land would be required in order to widen these approaches to an acceptable width for accessibility purposes. These approaches are outside of Network Rail ownership and therefore the widening of such would be beyond the control of Network Rail.

It would not be possible for Network Rail to pursue an accessible solution at this location given land ownership (both for siting of the structure and land to enable construction) and funding constraints. It is also unlikely that a ramped footbridge in this location would be successful in obtaining planning permission due to the size and bulk of the required structure and the proximity to residential properties on either side of the railway.

- iv. The opportunity for taking alternative action to remedy the problem such as a bridge or tunnel in place of the existing crossing or the carrying out of safety improvements to the existing crossing;

Whistle boards could be repositioned on both lines approaching the crossing as sighting of approaching trains is deficient in both directions. Whistle boards assist in mitigating the risk at level crossings, but do not remove the risk, as discussed above. It is unlikely this would be acceptable to local residents due to historic complaints and the issuing of a Noise Abatement Notice.

Vegetation management has been undertaken, and is regularly required to maintain current sighting distances, but due to track curvature and the location of the property adjacent to the crossing no further improvement could be made to available sighting.

No other works can be undertaken to improve safety of the crossing in its current location.

Please see Appendix A for further details.

- v. The estimated cost of any practicable measures identified under (iv) above;

Please see Appendix A for further details.

- vi. The barriers and/or signs that would need to be erected at the crossing and the points from which any path or way is to be extinguished or created, assuming the order is confirmed; and

The existing level crossing will be securely fenced off in order to prevent unauthorised access to the railway. Any signage required by the Council at the crossing (and any other points) will be provided.

- vii. The safety of the alternative right of way to be created by the order relative to the existing rail crossing.

The diverted footpath will remove the need for users to pass directly over the railway via a level crossing and will remove members of the public away from the railway infrastructure entirely.

There will be no need for whistle boards to be re-installed nor will trains be subject to a speed restriction; allowing users free flowing passage over the railway line.

3. NAMES AND ADDRESSES OF PUBLIC UTILITY UNDERTAKERS IN AREA (whether or not their apparatus is likely to be affected):

- (a) Public gas supplier

Southern Gas Networks Ltd
Inveralmond House
200 Dunkeld Road
Perth
PH1 3AQ

- (b) Public electricity supplier

UK Power Networks plc
Newington House
237 Southwark Bridge Road
London SE1 6NP

- (c) Water undertaker

South East Water
Rocfort Road
Snodland
Kent ME6 5AH

- (d) Sewerage undertaker (if different)

Thames Water
Developer Services
Clearwater Court
Vastern Road
Reading
RG1 8DB

- (e) Public telecommunications operator

BT Openreach
National Notice Handling Centre
PP 3WW18
Telecom House
Trinity Street
Hanley
Stoke-on-Trent ST1 5ND

(f) Others (specify).

N/A

4. MAPS AND PLANS

List below all maps and plans accompanying this request, giving details of their scale and content. In addition to the map mentioned in paragraph 1(d), this must include a map of a scale not less than 1:25,000 or, if no such map is available, on the largest scale readily available, showing the crossing and any paths or ways to be extinguished or created, and any connecting paths or ways.

The route of the public footpath to be extinguished is shown on the attached plan in a solid red line. The route of the proposed diversion is shown in a solid green line. The route of any unaffected public footpaths is shown in a solid blue line.

5. OTHER INFORMATION

Give any other information you consider relevant.

Please see Appendix A attached.

DECLARATION

I/We

- (a) Understand that no authority for the extinguishment, obstruction or creation of any path or way in this request is conferred unless or until a Rail Crossing Diversion Order has been confirmed and come into force;
- (b) request that a Rail Crossing Diversion Order be made and confirmed relating to the crossing and paths or ways described in Sections 1 and 2 above; and
- (c) declare that, to the best of my/our knowledge and belief, all of the factual information included in this form is true and accurate.

Signed



Name in capitals **NICOLA MEE**

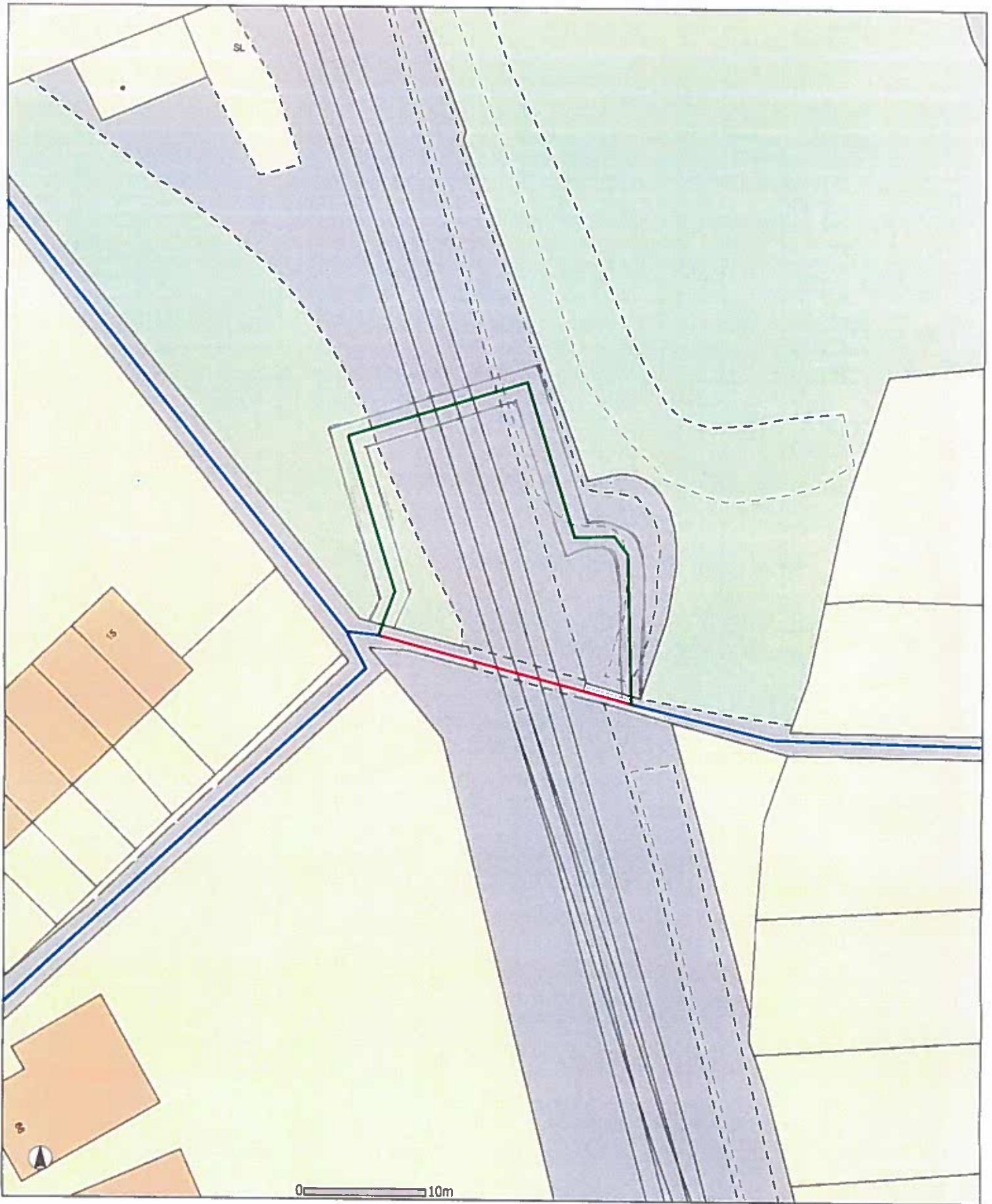
On behalf of (name of railway or tramway operator) **Network Rail**

Address **Floor 3 Suite 1A
Waterloo Station
London
SE1 8SW**

Position held **Liability Negotiations Adviser**

Date **13-07-15**

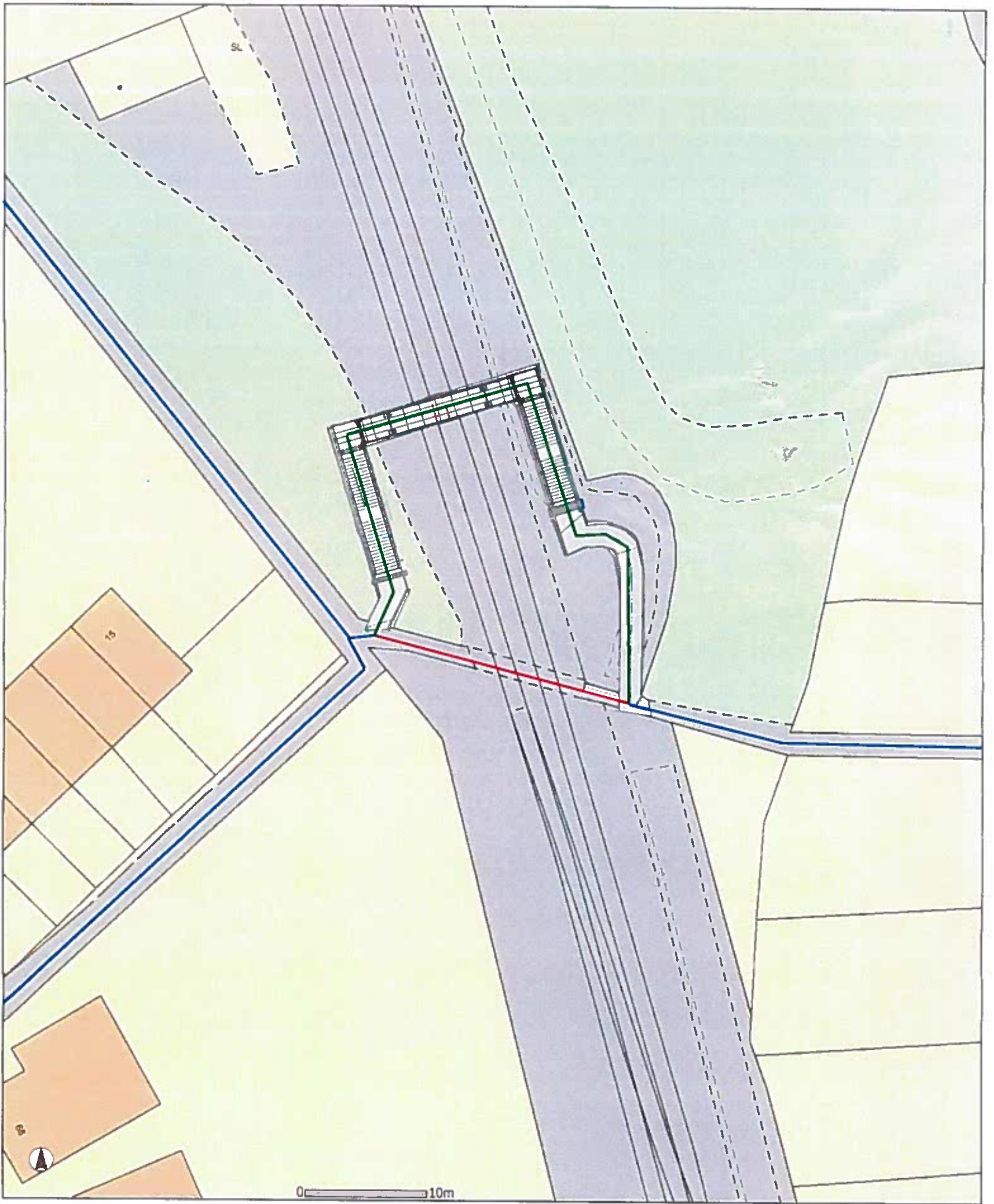
Note: the council will need all relevant information to enable them to proceed




**PILGRIMS WAY
SBJ 24m 14ch**

Plot Scale	1:300
Plot Date	13/7/2015





PILGRIMS WAY SBJ 24m 14ch	
Plot Scale	1:300
Plot Date	13/7/2015
	

Appendix A – Justification & Other Information

1. Background

With the support of the Office of Rail Regulation, Network Rail are running a £130m investment programme to improve safety and reduce the risk wherever the public highway or footpath meets the railway across the railway network.

Part of the campaign is to seek the opportunity to completely remove the risk to members of the public from coming into contact with high speed trains through the closure or diversion of level crossings, especially where a safer alternative route exists. Footpath crossings were also the focus of our recent TV advertising campaign, 'See Track - Think Train'.

Apart from Network Rail's own standards, guidance for Level Crossings is provided by the Office of Rail Regulation in the form of a booklet called 'Level Crossings: A guide for managers, designers and operators – Railway Safety Publication 7 – December 2011'. In its introduction on Page 3 the ORR state within their policy on level crossings that ".....Risk control should, where practicable, be achieved through the elimination of level crossings.....".

Level crossings are generally only safe when they are used correctly, incorrect use can be intentional or accidental, but can both result in serious consequences for the user. Accidental misuse can be caused by a lack of awareness, such as in children or young people, or time taken to cross which is increased for those who are mobility impaired or encumbered, such as elderly people.

Network Rail has analysed the data relating to incidents across all our level crossings nationally, and established that of those involving members of the public, 97% occur because of their personal behaviour and attitude towards level crossings. We are not realistically in a position to educate safe use with each and every member of the public who could potentially use a public footpath crossing.

Other areas of risk lie where pedestrians are travelling in groups as they are easily distracted; carrying bags, a dog's lead or holding other objects may also divert their concentration. There is now more evidence suggesting that many users wear earphones connected to electronic devices and cannot hear approaching trains. Coupled with the type of clothing now frequently worn, i.e. hoodies; there is a large element of pedestrians who do not see or hear approaching trains.

Network Rail is committed to improving level crossing safety but is ultimately unable to control how individuals use level crossings; this is what drives our policy to close level crossings where possible and where a suitable alternative route for crossing the railway can be found or delivered.

2. Risk Assessment

Network Rail uses a complex quantitative process to assess all risks at all its level crossings. These risk assessments help in the decision making process, where to pursue closure or where to invest in additional safety measures if closure cannot be achieved, such as on a public road or where there are no suitable alternatives available. This risk assessment process was independently reviewed for accuracy before it was introduced in 2007 and it has been audited internally and by the ORR since.

The risk assessment process considers amongst other things the type of crossing, how many people use it, available sighting for users, whether there are vulnerable and/or infrequent users, the frequency and speed, and different speeds of train services. The resulting risk score provides a normalised figure for risk and consists of a letter and a number.

- The letter represents the level of risk of a fatality to an individual crossing user, where A is the highest risk and M is the lowest risk
- The number represents the collective level of risk that may include, for example, train crew and or passengers, as well as those using the crossing

The highest risk crossings are those which score A, B or C for individual risk and 1 to 4 for collective risk.

Risk mitigation measures open to Network Rail are discussed below:

a) Eliminating the Risk:

- Provision of Footbridge (with diversion of public footpath) – This is the proposed solution at this location.
- Provision of a Tunnel – due to the geographical location of the level crossing it would not be possible to construct a tunnel.

b) Reducing the Risk:

- Reducing the line speed – There is currently a Temporary Speed restriction in place which is causing delays to trains and also incurring financial penalties to Network Rail and the Train Operating Companies. The expectation of Government funding in Network Rail is that line speeds should increase in order to reduce passenger journey times. They should not be permanently reduced on main line routes. This is therefore not an option and would not be acceptable.
- Provision of warning systems for users – Although this could be implemented, it is not felt that a warning system would be effective or acceptable at this location. These systems do not prevent misuse and are only effective when obeyed by users; given the historic issues of misuse at

this crossing it is not felt that the installation of a warning system would prevent misuse and therefore an incident would still be possible. Further, any warning system would also have audible warnings, which given the issuing of a Noise Abatement Notice in respect of whistle boards, it is unlikely that local residents would support an audible alarm at the crossing. The system would require the retention of the stiles and steps at the level crossing itself and would also still require users to come into contact with the railway line and have to wait for trains to pass before crossing.

3. Summary

It is Network Rail's view that the best option to facilitate closure of the level crossing at this location is the installation of a stepped footbridge.

Not only would users no longer have to negotiate stiles, but they would not have to look for approaching trains or wait for them to pass before passing over the railway line.

The installation of a footbridge, and diversion of the public footpath, would remove the need for users to come into contact with the railway line, thus increasing the safety of public footpath users.

It is not felt that there is a great loss of amenity to users of the public footpath by the diversion over the footbridge; users will still start and end in the same location.

Diversity Impact Assessment

National Level Crossing Risk Reduction Programme (NLCRRP)

Pilgrims Way Level Crossing, Otford, Kent (TN14 5QP)

OS reference – TQ 533592

19th October 2015



Introduction

Pilgrims Way level crossing is located in the village of Otford, just to the south of Otford Railway Station and is on the route of a public right of way. The crossing provides access between residential areas to the railway, Railway Station and towards the village centre.

Diversity Impact Assessments (DIA) are the method used by Network Rail to clearly demonstrate that we have paid due regard to our duties within the Equality Act 2010. The DIA is a tool that helps Network Rail confirm that our policies and the way we design, build and operate will work for everyone.

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Q3 – Data related to level of diversity and inclusivity	Page 6
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Step 1: Clarifying Aims

Q1. What are the aims of this project/piece of work?

1. The project aims to improve public safety by removing the conflict between speeding trains and users of this public footpath crossing the railway. The project will provide safer access for the public including vulnerable users e.g. children, older and disabled people.
2. The National Level Crossing Risk Reduction Programme (NLCRRP) is a required output from the Office of Rail and Road (ORR) to achieve a 25% reduction in level crossing system risk (3.3 Fatality Weighted Index (FWI)) by 2019.
3. Pilgrims Way crossing is on the route of a pedestrian public right-of-way and has been identified for closure based on the All Level Crossing Risk Model (ALCRM) risk assessment, FWI 0.017553621 and recorded incidents of misuse.
4. The NLCRRP aims to gain the support of the local authorities, third party stakeholders and the local community to the proposed solution

Q2. Could this work impact on people? If yes, explain how.

Yes. Currently, the level crossing has wooden stiles to accommodate the public and is accessed by vulnerable users, with approximately 170 trains per day at a speed of 50-60mph.

Closure of the level crossing to remove the risks can only be achieved through extinguishment of the public footpath or by diversion of the existing route through provision of an overbridge/underpass. This has the potential to impact on users.

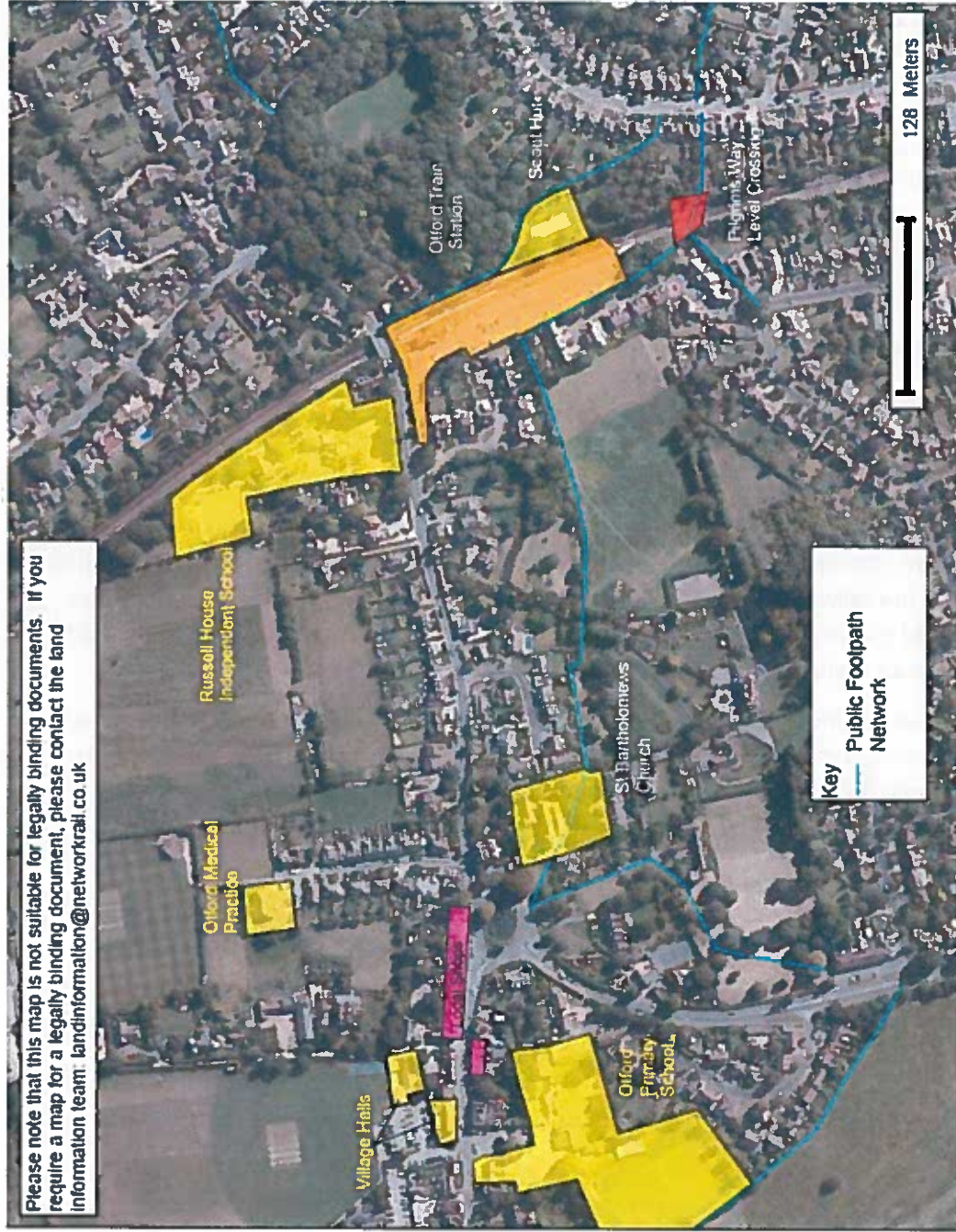
Residential housing is located to the south east and south west of the crossing with Otford Railway Station being located to the north west of the crossing. A wooded area which opens up into Chalk Pit recreation ground is located to the north east of the crossing. The tracks are lower than the surrounding land on the Eastern side. A location plan can be found below (plan 1).

The route across Pilgrims Way level crossing links the housing on the east to the village centre and the railway station.

The complete closure of the crossing therefore has some potential to impact on accessibility for the community although, as discussed later, there is restricted accessibility from existing infrastructure. Significant development in the area are:

- Otford Railway Station which lies approximately 100m to the North of the crossing. For some of the residents on Tudor Drive the level crossing offers the most direct route to the Railway station.
- The Scout Hut which lies approximately 100m to the North of the crossing. For some of the residents on Hopfield Close the level crossing offers the most direct route to the scout hut.
- Otford Medical Practice lies approximately 600m to the North West of the crossing. The most direct access to this for the majority of dwellings does not require the use of the crossing.
- Other developments in the area are Otford Village Centre includes Russell House Independent School, Otford Primary School, St Bartholomew's Church, Village Halls and local shops. Further to the west 2 further churches; Otford Methodist Church and The Most Holy Trinity Roman Catholic Church, and the local library. The most direct access to these for the majority of the dwellings does not require the use of the crossing.

Plan 1 – Location Plan.



Access to the east is from Tudor Drive and is via a narrow, unlit pathway with some overhanging vegetation. Due to the differences in land level users have to negotiate a series of steps which leads down to the crossing. Access to the West is via a narrow, made, unlit pathway which leads from Hopfield Close and from the Railway Station car park.

The pathways are made but may become muddy and slippery in poor weather, particularly during leaf fall season, due to overhanging vegetation and the vegetation growing at the sides of the paths.

Step 2: The Evidence Base

Q3. Summarise what data we have about the diversity of the people potentially impacted by this work and any research on the issues effecting their inclusion.

When considering any site, the preferred solution is to remove the public interface with the railway which will eliminate risk of pedestrians being hit by a train. This would involve closing the crossing to users, so the next step would be to identify whether a suitable alternative route is available.

Closure of the crossing would cause pedestrians to use existing alternative routes and crossing points. These alternative routes will increase the distance users have to travel to cross the railway, typically by up to 100m. The local authority has advised they will not support an extinguishment or a diversion order at this crossing.

A number of options have been considered as set out in table 1 below. These considerations have led to the consideration of a pedestrian overbridge for this site.

Table 1

OPTIONS	DESCRIPTION	CONSTRAINTS/VIABILITY
<p>Upgrade to automated warning systems</p>	<p>The provision of a fully automated warning system would not change the current usage of the crossing so is a method of reducing instead of removing the public safety risk.</p>	<p>Miniature Stop Light technology is dependent on the signalling systems in the area and can prove expensive to install and maintain. The addition of Miniature Stop Lights or other audible warning systems will not mitigate risk from misuse. Users can mistakenly attempt to cross the crossing whilst a red light remains showing after a train has passed that is veering a second approach train.</p> <p>Due to the proximity of Otford Railway Station due to the type of technology used the lights would likely remain red whilst trains stand stationary at the station.</p> <p>Furthermore an audible warning would be required along with lights to ensure partially sighted users are aware of a trains approach. Whistle boards, until recently, were present at the crossing meaning trains sounded their horns on their approach to the crossing to warn any users of their approach. Due to a noise abatement notice these have been removed and a temporary speed restriction placed on the line. This option will not be favoured by lineside neighbours as the audible warning noises would be reintroduced to the crossing.</p>
<p>Extinguishment and Diversion</p>	<p>An alternative crossing point in the area could allow the closure of the existing level crossing by creating a suitable diversionary route for users.</p>	<p>The closest alternative crossing on the railway is via Station Road overbridge which is located approximately 200m to the north of the crossing. The length of diversion or the amount of inconvenience to users is difficult to quantify as different users will have a wide range of start and end points.</p> <p>These alternative routes will increase the distance users have to travel to cross the railway, typically by up to 100m via the local public footpath network.</p> <p>This route is the current fully accessible route and comprised of relatively wide tarmac pathway that leads from Tudor Way, past the Scout Hut to Station Road. The local authority would not support an extinguishment at this crossing.</p>

OPTIONS	DESCRIPTION	CONSTRAINTS/VIABILITY
Provision of Lifts and Footbridge	Mechanical lifts would be required on both sides of the crossing with a bridge structure spanning between to provide an accessible and safe route for pedestrians to cross the railway	This location is not suited to the provision of lifts because there is no staff presence 24 hours a day which would result in increased response time of employees to solve issues and help users. The safety and security of users would be compromised if there were a problem with the operation of the lifts such as power failure, vandalism or antisocial behaviour. This level crossing site has experienced incidents of vandalism and trespass and general antisocial behaviour (as detailed later on); hence this option has been discounted. Anti-social behaviour was also raised as an issue at the public information meeting.
Provision of a footbridge with steps and ramps	A footbridge with steps and ramps will offer a safe crossing point over the railway.	<p>Considerable third party land purchase on both sides of the railway is required to accommodate a ramped structure (see outline plan in Appendix 1). It would also impact on lineside equipment including telecoms and signalling equipment which can be expensive to relocate.</p> <p>There would be an impact on visual amenity, even with screening, particularly for the residential properties on the east of the railway as considerable trees and vegetation would be required to be removed. It is likely there would be a greater number of objections to a planning application for this type of proposal.</p> <p>Ramps would increase the diversion distance for users negotiating the crossing by around 240m. Good practice guidance, including BS 8300, states that where a ramp is too high, it may be unacceptably tiring for self-propelled wheelchair users and people with walking difficulties, even with landings provided.</p> <p>Users negotiating a ramped footbridge at this location would have further to travel compared to the existing alternative route that is currently available. For these reasons this option has been discounted.</p>
Provision of a footbridge with steps	A footbridge with steps will offer a safe crossing point over the railway	There is sufficient land available either side of the crossing for the installation of a stepped footbridge (see outline plan in Appendix 1). This solution has the potential to impact access for some users. However, it will remove the public safety risk and offer a safe crossing point.

OPTIONS	DESCRIPTION	CONSTRAINTS/VIABILITY
Provision of an underpass	A concrete pedestrian tunnel under the railway with graded footpath approaches would be required to provide an accessible and safe route for pedestrians to cross the railway.	<p>The installation of an underpass at the crossing would require considerable land purchase either side of the railway to create the necessary footpath approach gradients including local residential properties. The topography of the surrounding area would also give risk to flooding of the underpass which would require additional maintenance measures.</p> <p>Ramps or graded approaches would increase the diversion distance for users to negotiate the crossing by over 200m.</p> <p>Underpasses may not be preferred by users and residents as they can attract antisocial behaviour.</p>

The following data has been reviewed in considering how diverse and inclusive the project has been:

Alternative access routes

The nature of the eastern approach to the crossing dictates that access to the crossing is not available for all potential users. Initially the footpath leads from Tudor Drive between two dwellings with it being only approx. 1 metre wide with vegetation growing along each side and bare soil present in places (see plan 3 below). This will likely make the footpath muddy and slippery in poor weather, particularly during the leaf fall season. There are cracks in the tarmac caused by roots from nearby trees and vegetation making the surface uneven in places. This section of pathway is on third party land. A wooden stile is present at the Network Rail boundary followed by a series of steps downs to the crossing to overcome the differences in land levels between the east and west of the railway.

The current accessible route from Tudor Drive to Station Road is via the public footpath to the east of the railway and the Scout Hut. As shown on plan 4 below the route is wider than the access to the level crossing at approx. 2 metres wide. The pathway leads around the edge of the Scout Hut and links up to the main road by Station Road Overbridge. The pathway is comprised of tarmac and is relatively flat with very little change in level from Tudor Drive to Station Road.

This route adds approximately 100 metres to a journey compared to taking the route over Pilgrims Way level crossing and is likely already taken by users who cannot negotiate the current footpath and crossing configuration. This distance is less than the length of travel if a ramped footbridge was to be introduced (see plan 2 below for differences in route length).

Oxford Station is comprised of two platforms. Platform 1 is accessed through the station buildings and Platform 2 is accessed via a stepped footbridge. The access route for those unable to negotiate a stepped footbridge is via Station Road overbridge and then a ramped access down to platform level, which is located along

the footpath to the Scout Hut (see plan 5).

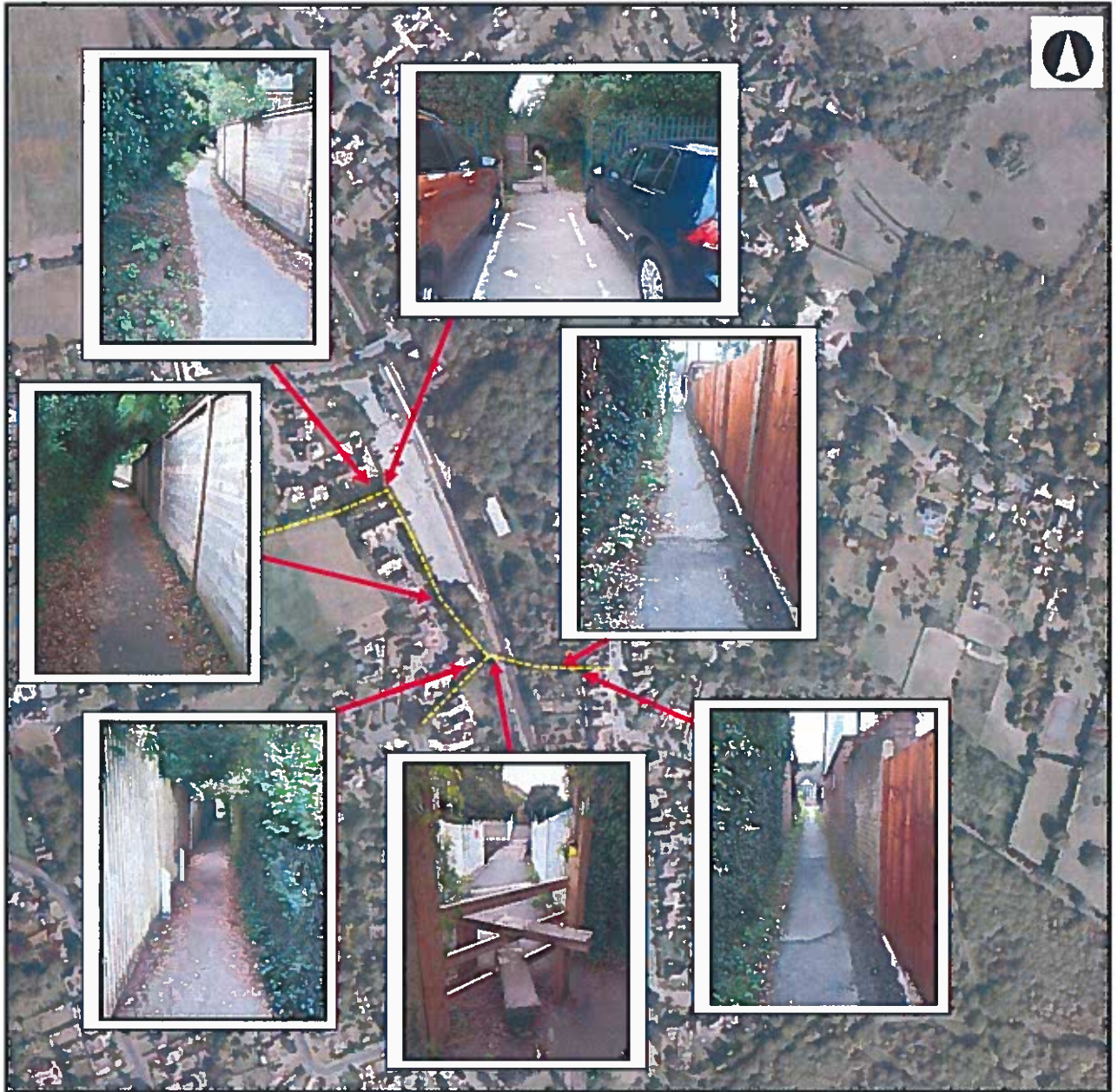
For users travelling from the Tudor Drive area accessing Platform 2, the shorter route is via the Scout Hut pathway rather than across Pilgrims Way level crossing.

A stepped footbridge would still maintain access to Otford Railway Station and the village centre.

Plan 2 – Alternative Route Plan.



Plan 3 – Plan showing the footpath route via Pilgrims Way Level Crossing.



Plan 4 – Plan showing the footpath route from Tudor Drive to Station Road via the Scout.



Plan 4 – Plan showing the pedestrian routes from the Ticket Office to Platform 2 at Otford Station.



Reported incidents of misuse

Records show that there were 22 incidents of misuse, trespass and near misses reported between 1998 and 2015. Of these, seven were reported as near misses and one was a fatality where a person was struck and killed by a train at the crossing. The incidents from the last four years are shown below.

DATE	INCIDENT
16/03/15	Misuse – Three youths ran across the line in front of a train
21/05/14	Vandalism – Train stuck a bike on the crossing
10/07/14	Contractor working unsafely
18/04/14	Vandalism – children throwing stones
11/07/13	Misuse by children
27/04/13	Fatality – 2B67 reported striking a person at Pilgrims Way footpath crossing on approach to Otford
21/04/13	Near miss with a pedestrian
08/10/13	Near miss with a pedestrian
22/09/12	Misuse by children
31/12/11	Youths trespassing on the track
30/09/11	Misuse – pedestrian crossed as train approached crossing

Information from Otford & Shoreham Ward National Census data

The 2011 census data relates to the 4,595 residents closest to the crossing. The data relates to age, health and ethnicity. It recorded that there were:

- 1,090 people under the age of 18 in this area
- 1,306 people aged 60 and above
- 236 people whose health limited their activities a lot
- 386 people whose health limited their activities a little

Level crossing 9-day camera survey.

A census was carried out over a nine day period in July 2014 which consisted of two weekends with the intervening weekdays.

The census shows that there were 1,554 movements across the crossing in nine days as expected due to lack of accessibility no wheelchair or mobility scooters recorded using the crossing. This gives an average of 172 movements per day.

There were a total of 348 children recorded during the census period. Of these 149 were unaccompanied. This equates to 9.6% of total movements for the census period.

There were eight pushchairs/pram movements in nine days which represents 0.6% of total movements for the census period.

There were two cyclists recorded using the crossing which represents less than 1% of total movements for the census period.

The weather recorded during the census was as follows:

<u>DAY</u>	<u>AM</u>	<u>PM</u>
Saturday 5 th July 2014	Mild and Light Rain	Mild and Cloudy
Sunday 6 th July 2014	Mild and Light Rain	Mild and Cloudy
Monday 7 th July 2014	Mild and Clear	Mild and Clear
Tuesday 8 th July 2014	Mild and Cloudy	Mild and Clear
Wednesday 9 th July 2014	Mild and Cloudy	Mild and Clear
Thursday 10 th July 2014	Mild and Light Rain	Mild and Cloudy
Friday 11 th July 2014	Mild and Cloudy	Mild and Cloudy
Saturday 12 th July 2014	Mild and Cloudy	Mild and Clear
Sunday 13 th July 2014	Mild and Light Rain	Mild and Cloudy

Step 3: Impact

Q4. Given the evidence listed at step 2, what potentially negative impact could this work have on people who share protected characteristics.		
Protected Characteristic		Explain the potential negative impact
Disability	Yes	<p>On the eastern approach to the crossing the footpath leads from Tudor Drive between two dwellings with it being only approx. 1 metre wide. There are cracks in the tarmac caused by roots from nearby trees and vegetation making the surface uneven in places. A wooden stile is present which is owned by Network Rail and highlights the Network Rail boundary line; it is then followed by a series of steps down to the crossing to overcome the differences in land levels between the east and west of the railway.</p> <p>The western approach is relatively flat and level with a narrow (approx. 1 to 1.5m wide) made pathway that is unlit and has overhanging vegetation. A wooden stile is present at the Network Rail boundary.</p> <p>It is considered that these access routes are not currently accessible for wheelchair/mobility scooter users due to the stiles and stepped changes in levels.</p> <p>Replacing the level crossing with a stepped footbridge could create a further obstacle to and have a negative impact on people with restricted mobility.</p> <p>The footbridge design includes the following features:</p> <ul style="list-style-type: none"> • Tactile paving strips • Warm to touch, visually contrasting handrails • Visually contrasting stair nosings • Anti-slip surfacing <p>Replacing the level crossing with a footbridge with these features would have a positive impact for those people with hearing and visual impairment as well as some people with mobility impairment. These users would benefit from an improved and safer experience than the existing level crossing. The wooden stiles would be removed as part of the proposed scheme.</p>

Age	Yes	<p>The introduction of a stepped footbridge could have an impact on people with this protected characteristic who may find steps difficult to negotiate. Although the footbridge would provide a safer user experience than the current level crossing.</p> <p>The design of the steps is in accordance with version 4 of the Department for Transport's "Guidance for Accessible Train Station Design for Disabled People".</p>
Pregnancy /maternity	Yes	<p>The provision of a stepped footbridge would have the potential to exclude people with prams and pushchairs.</p> <p>The current crossing configuration means that users with pushchairs/prams would have to lift them over wooden stile and steps. Routes are in existence which are relatively flat and easier to negotiate via the Scout Hut, even though this route is slightly longer (approx. 100m) with the time it would take to negotiate the stiles and steps it is likely that the alternate route would be quicker and safer.</p>
Race	No	Use of the crossing is not required to access local community centres. In view of this, there is no impact on this protected characteristic.
Religion or belief	No	The crossing can be used to access the village centre where St Bartholomew's Church is located, as it the shortest route to the residential properties on Tudor Drive. The provision of a stepped footbridge does not preclude access to the place of worship. Suitable alternative routes are available for users of this protected characteristic who are unable to negotiate a stepped footbridge.
Gender	No	There is no impact on this protected characteristic
Sexual orientation	No	There is no impact on this protected characteristic
Marriage/Civil Partnership	No	There is no impact on this protected characteristic
Gender reassignment	No	There is no impact on this protected characteristic

Q5. What extra could you do to have a positive impact on diversity and inclusion?

Although Network Rail is not eliminating any previous existing step-free access, however, we are increasing the effort that older or disabled users of the new structure will have to make to cross. Consequently, the project team are investigating the feasibility of incorporating seating into the design, with this being provided at either end of the structure.

A cycle gutter could be incorporated into each staircase directly under the handrails if required.

Network Rail has a target to have a 'net positive contribution to biodiversity' this means that we will try to improve what we have taken away. We will work with Sevenoaks Council and Kent County Council to determine if any highways improvement works are required along the diversion routes.

Step 4: Consultation

Q6. How has consultation with those who share a protected characteristic informed your work?

Who was consulted? ¹	Changes made as a result of consultation
Public Information Event	<p>A public information event was held on the 14th January 2014 in Otford Village Hall (which is fully accessible) and was well attended with approximately 200 local residents and users attending. The approximate age range of attendees was 18 to 80. A few of the attendees were using walking sticks.</p> <p>Two options were put on the table for a diversion over the existing footbridge on the station and a new stepped footbridge near to the crossing. The stepped footbridge close to the crossing was the preferred option but they were unhappy that a new footbridge would overlook their properties and that they would prefer the crossing to remain as it is today.</p>
Parish Council Meeting	<p>A meeting with the Parish Council was held on the 4th November 2014 and the members were happy with the idea of a stepped footbridge.</p> <p>We also attended a formal Parish Council meeting on the 10th</p>

¹ This could include our staff networks, local users, the BEAP (re disability), local faith leaders etc.

	November 2014 and approximately 15 local residents attended who had issues with the footbridge as the plan seemed to show their properties would be overlooked. It was arranged that a separate site meeting would be held with those residents to take on board their concerns.
Site meeting with local residents	A number of meetings with local residents were held: 15 th December 2014 with residents whose properties would have been overlooked with the plans at that time. 24 th February 2015 with other residents from Tudor Drive who were unhappy with the bridge moving 10m down from the crossing. Screening has been added to the bridge design to prevent properties from being overlooked.

Step 5: Informed Decision-Making

Q7. In light of the assessment above, what is your decision? Please provide a rationale
<p>From the evidence collected and in consideration of the site constraints the proposal for a stepped footbridge should be developed further. The design development will incorporate good practice design features and feedback from stakeholder consultations. The rationale for this decision is:-</p> <ul style="list-style-type: none"> • Extinguishment or diversion of the public right-of-way would address risk concerns but is unlikely to be promoted by the local authority. • Lifts would not be suitable in operational terms for this location. • Ramped bridge or underpass options do not have land availability and would have significant amenity and cost impacts. They would also result in further for users to travel compared to the existing alternative routes available. • A stepped footbridge can be delivered within current land ownership and would remove the current risks. Alternative routes exist of a suitable standard for people unable to use a stepped footbridge. Discussions are to be held with the local authority for possible improvements/upgrades to this route.

Step 6: Action Planning

Q8. What actions will be taken to address any potential negative impacts and deliver positive impacts?		
Action	By when	By whom
Meeting with Kent County Council Rights of Way to discuss Diversion Order		NR Liabilities
Hold discussions with Kent County Council and Sevenoaks Council about possible		NR Liabilities

improvements to existing alternative routes.		

Step 7: Sign off

Name	Position	Signed	Date
Margaret Hickish Equality Act review	Access & Inclusion Manager	<i>M A Hickish</i>	15/12/15

Step 8: Add an action to your plan setting out how you will monitor this DIA

Revision Date: Not applicable

~~APPENDIX B~~

TO THE RAIL CROSSING DIVERSION ORDER IN RESPECT OF:

FOOTPATH SR49;

IN THE PARISH OF OTFORD, SEVENOAKS;

AND WHICH PASSES OVER PILGRIMS WAY LEVEL CROSSING.

The information provided below is intended in addition to, and support of, the Diversion Application made on 13th July 2015.

Additional Information

Following submission of our Application in July 2015, we have provided further information below relating to Network Rail's safety case in pursuing the diversion of the public footpath at this location and diverting to the proposed stepped footbridge.

The latest Risk Assessment (RA) available at the time of submission had been carried out on 26th March 2014; a more recent RA has been carried out 12th October 2015.

The most recent RA has increased the risk score from a rating of C3 to C2; however it is Network Rail's view that this does not adequately represent the risk at this level crossing due to the presence of Temporary Speed Restriction (TSR) on the line.

The permitted line speed over Pilgrims Way Level Crossing is 60mph; due to the TSR trains are currently restricted to 45mph; this TSR was imposed solely due to the insufficient sighting available at the level crossing.

As stated in our application Network Rail had whistle boards installed in order to mitigate the insufficient sighting at this level crossing. However, following service of a Noise Abatement Notice, Network Rail were forced to remove them, thus making the level crossing non-compliant. The resulting impact was the implementation of the TSR.

In order to put the risk at Pilgrims Way Level Crossing into perspective we are able to rate level crossings against one another; at its current score (C2 with TSR) Pilgrims Way is ranked 29th of 561 level crossings on the South East Route. When only considering those level crossings which cater for public footpaths, Pilgrims Way ranks at 1st of 278. Nationally we have 2,867 footpath level crossings; Pilgrims Way ranks at 20th or within the top 1% in the country.

Sighting Distances & Level Crossing Timings

Due to known use by vulnerable users (elderly, children, encumbered users etc.) the crossing time allowed for users to pass over and clear the crossing for assessment purposes is 13.5 seconds.

The available sighting at the level crossing is insufficient in all directions.

When crossing from Eveley Road/Well Road to Tudor Drive, looking right (away from Otford Station) there is only 225 metres of available sighting of approaching trains to a user. This gives users roughly 5 seconds between first seeing an approaching train (at its furthest point) and that train passing over the level crossing (this is 8 seconds less than required to safely pass over the crossing). If trains were travelling at the correct linespeed (being 60mph) they would only have 3.75 seconds.

When looking left (towards Otford Station) at the same point, the available sighting is less at 222 metres; giving users a sighting time of 4.9 seconds with trains travelling at 45mph and only 3.7 seconds if trains were travelling at 60mph.

When crossing from to Tudor Drive towards Eveley Road/Well Road and looking left (away from Otford Station) the available sighting is 240 metres; providing 5.3 seconds of warning at 45mph and 4 seconds at 60mph. When looking right from the same point the available sighting is 292 metres; providing 6.4 seconds of sighting at 45mph and 4.9 seconds at 60mph.

Given that the crossing time is approximately 13.5 seconds for vulnerable users the sighting distances in all directions ranges between 5 – 7 seconds short of the time required to safely pass over the crossing when trains are travelling at 45mph (this shortfall is increased if trains were to be travelling at 60mph).

When crossing in both directions and looking towards Otford station, the sighting lines for users are obstructed by the station and station features; as these are permanent structures the sighting cannot be improved. The sighting is further reduced when trains are stopped at the station platforms.

Given the proximity to Otford station there are concerns that users become complacent when using the crossing with 'regular' users (which it is likely the majority of the users of this level crossing are) assuming they know which trains are stopping and non-stopping services; thus they might think it is safe to cross even when a train is approaching, incorrectly thinking it is due to stop at the platform.

It is also possible that the station itself creates a distraction to users; this can be by way of announcements and commuters on the platforms. There is potential for people standing on the platforms to obscure the available sighting further, encouraging users to cross over and take unnecessary risks. Announcements made at the station may also distract users and affect their concentration when looking and listening for approaching trains.

A further issue, given its proximity to the station, is users are seen to be lulled into a false sense of security when a train is stopped at the platforms. A situation can occur whereby a user will see a train stopped at the station and assume it is safe to cross, not anticipating the passage of a second train. Otford Station has both stopping and non-stopping services passing through it and thus it is possible for a second train to pass over the level crossing either at the same time or shortly after the first train. Users may also believe that an approaching train is due to stop at the station and thus cross, when in fact it is a non-stopping service.

Whilst some vegetation clearance could be carried out to assist sighting this would not be to any great extent and sighting would remain insufficient due to Otford Station in one direction and track curvature in the other.

Recorded Incidents of Misuse

The Council have requested further details in respect of the misuse, near misses and fatalities at this location.

For ease we have collated a table (Appendix B1) showing the date of the incident and all narrative recorded for that incident.

We are unable to provide any further information on incidents listed (e.g. witness statements, driver statements) due to Data Protection.

Incidents on Network Rail owned Footbridges

In order to understand the risk to pedestrians of moving them from the level crossing to a stepped footbridge we have requested details of incidents occurring on Network Rail bridges over the past 5 years.

There have been 10 recorded incidents nationally of slips/trips/falls in the past 5 years; there have been no recorded incidents in Kent or Sussex.

Of these 10 incidents 2 are reported to be persons under the influence of alcohol and a further 2 are reported to be due to bridge defects; this leaves 6 incidents of 'genuine' slips/trips over a 5 year period.

Please see Appendix B2 for full details.

Whilst slips and trips occur on footbridges, when these do occur the injuries sustained are far less serious than if a person were to trip on a level crossing; which could easily result in a fatality or life-threatening injury.

It should also be noted that roughly two years ago (unfortunately we do not have the exact dates) two members of the public fell whilst using the stiles at the level crossing; the removal of the level crossing would also result in removal of the stiles and thus prevent any future falls incurred on the stiles.

Closing Comments

The current level crossing has stiles on either side, together with steps on one side, which users will no longer have to climb over. The route will be available for use 24 hours a day, without the need to stop and wait for oncoming trains to pass.

The main concerns for Network Rail at this crossing are the insufficient sighting, high level of use and misuse, coupled with the high level of vulnerable users, in particular unaccompanied children and elderly. The proposed solution of a footbridge with steps would remove the risk of serious injury to users.

Nicola Mee

Liability Negotiations Adviser

27th July 2016

Event Date	Event Time	NR Route	Location	Event Narrative
15-Aug-2011	18:46:00	Scotland	Kirkconnel	<p>At 18:51 Dumfries & Galloway Police reported that a person had fallen onto the line from the first bridge north of Kirkconnel and had injured themselves.</p> <p>At 18:54 a line blockage was imposed.</p> <p>At 19:11 the emergency services, escorted by P/Way staff, arrived on site. The injured member of public was lying in the Up Cess.</p> <p>At 19:33 it was reported that the injured party, a female, had been removed from the scene to an adjacent field.</p> <p>At 19:38 an air ambulance landed at the scene.</p> <p>At 19:40 the line blockage was relaxed to a caution as the casualty had been moved clear of the railway.</p> <p>At 19:58 the casualty was en route by helicopter to the hospital and at 20:00 it was confirmed that all emergency personnel were clear of the line, this the caution was lifted from both lines.</p> <p>No Further information available from police on the injuries sustained.</p> <p>16/01/2013 Injury degree set to minor from RSSB view on Data Quality.</p>
20-Aug-2011	12:41:00	Wales	Neath	<p>At 1242 a report was received stating that a step was broken on the footbridge opposite the Community Centre and that a child may have fallen through, sustaining a broken leg in the process. Off Track attended and fitted a new step at 2215. Off Track stated that there had been tape warning people of the defect, but the tape had appeared to have been ripped off by unknown persons.</p>
08-Sep-2011	08:15:00	Wessex	Earlsfield	<p>[AMCC 23/15737]</p> <p>At 0815 a member of the public fell down 16 steps at the lower section of the temporary bridge which had been passed off. She struck her left leg and went to St George's hospital. The exact injury is unknown. South West trains notified Birse as no work was being carried out at that time. An inspection was carried out. No further action was required, as the bridge was passed off again as safe.</p>

14-Sep-2011	05:20:00	London North Eastern	Grimsby Town	<p>At 05:26 advised by Humberside Police that they had received a report from a male who was lineside at the rear of Market Street, Grimsby (near the rear of Tescos). He stated that he had fallen from the footbridge, Police ref 51. Humberside ambulance attending and an emergency broadcast was made to 1B65 (05:18 Cleethorpes to Manchester Airport) but the driver did not respond, Pasture Signaller advised. At 05:27 Pasture Street Signaller advised and the Signaller aware of the incident as the driver of 1B65 had received emergency call and come to a stand and contacted the Signaller. 1B65 was stood in vicinity of the footbridge and the driver was assisting Humberside Police in the search for the individual. At 05:35 East Midlands Ambulance staff on site ref 3196606. Humberside Police reported that they had found the person involved, in rear of 1B65, but could not account for the whereabouts of all parties on the railway and required the line to remain stopped. At 05:50 the MOM was advised and en-route and BTP were advised ref 46. At 06:02 Humberside Police advised that staff and the individual were clear of track. At 06:05 East Midlands Ambulance advised staff clear of the track and 1B65 now forward to Grimsby Town. Humberside Police were walking with the injured individual to Grimsby Dock to fully clear the track. Pasture Street Signaller holding 2F81 until confirmed clear. At 06:13 Humberside Police all clear of the track and normal working resumed. Pasture Street Signaller advised.</p> <p>Cause: Person accident, male fell from footbridge.</p>
12-Nov-2011	02:35:00	London North West	Camden Jcn	<p>At 02:40 a report was received from the Met Police that there may have been a person who had fallen from a bridge in the Camden, Oval Road area. The Police reference number was CAD 1288/12.</p> <p>At 03:03 the Wembley MLSCC advise S&T Staff who had reported something on the OLE North of Park Street had found a person on line.</p> <p>At 03:10 the Willesden MOM was on site at Park Street tunnel at the North end and was meeting up with the B.T. Police and Emergency services. The appointed RIO was on site.</p> <p>At 03:25 the Wembley MLSCC was advised and the RIO was on site and had authorised movement on and off the North London lines. (Diesel traction only).</p> <p>At 03:30 the Willesden Mom advised that the Paramedics and a doctor were on site and were working on the person and trying to stabilise his condition before moving him to a waiting ambulance at Gloucester avenue. The person was reported as only receiving superficial burns.</p> <p>At 03:50 the Willesden MOM advised that the injured person had now been removed from site by the ambulance staff.</p> <p>At 04:00 the RIO advised that all emergency staff were clear of site and the emergency staff had all departed. Stood down as RIO Duties.</p> <p>At 04:02 the DC Emergency isolation was cancelled and at 04:04 the AC Emergency isolation was cancelled.</p> <p>At 05:37 Line C isolation was given up and normal working was resumed.</p> <p>The BTP reported that the male was climbing the bridge parapet whilst drunk. He lost his balance and skipped. His girlfriend caught him but could not keep hold of him and he fell onto the track and hit the overheads on his fall. They treated the incident as non-suspicious.</p>

15-Jan-2012	05:59:00	Wessex	Bournemouth	<p>At 0559 South Western Ambulance Service reported that they had been called by a member of the public who stated that he had fallen from a railway bridge in the Bournemouth area and had injured themselves to an extent where they could not move from the position in which they were lying.</p> <p>The Network Rail Mobile Operations Manager was advised and attended, who reported at 0625 that the person in question was lying in the 4-foot on No.2 road of the Middle sidings at Bournemouth.</p> <p>Paramedics attended to the person after an emergency switch-off of the traction current was carried out. The person was recovered from the line and conveyed to hospital. All Emergency Services Staff were confirmed clear of the lines at 0714, the traction current was restored at 0720 and normal working had resumed.</p>
15-May-2013	08:03:00	Wessex	Puiney	<p>MOP fell on temporary footbridge at Puiney felling head first down the staircase. MOP sustained bruising to left foot and right shin and leg.</p>
13-Jul-2013	19:40:00	London North Eastern	Mexborough	<p>At 1940 a seemingly inebriated person fell from the footbridge in the Ferryboat Lane user worked level crossing, falling onto the railway below and sustaining an ankle injury. Both lines were blocked and the ambulance service, British Transport Police (Ref:536) and South Yorkshire Police attended.</p> <p>It was reported that the injured person was in the company of approximately twenty other persons, all of whom were now trespassing on the lines. Normal working resumed at 2011, following removal of the injured person and all other persons cleared of the infrastructure.</p>
14-Dec-2013	12:56:00	Western	Oxford	<p>A young lady travelling with her family slipped and fell whilst crossing the footbridge from the long stay car park at Oxford. The girl sustained cuts and grazes to both hands and a deep gash to her forehead. First Aid provided by station staff, an ambulance was called which took the girl and her family to John Radcliffe infirmary.</p>
09-May-2014	14:03:00	Anglia	Ware Amwell End L	<p>At 14:03 Hours a member of the public was witnessed falling down part of the upside footbridge near Ware Level Crossing. The IP (Injured Person) was assisted by other members of the public.</p> <p>A Mobile Operations Manager was advised and asked to attend and reported the person was removed from the scene by ambulance with injuries unknown.</p> <p>The Mobile Operations Manager inspected the footbridge and found it in good condition.</p> <p>Cause: Not established.</p>
11-May-2016	16:10:00	Wessex	Fratton	<p>A male passenger slipped on the stairs to the footbridge at Fratton. He complained of pains in his back and an ambulance was called to take him to Queen Alexandra hospital.</p>

11-May-2016	14:00:00	Wessex	Hounslow	<p>At 1400 the British Transport Police (reference: 293) advised that a male had reported a hole in the footstep of footbridge over the railway at Hounslow. The London Ambulance service advised that paramedics were onsite at the footbridge with an injured person, the advised there was a hole in the bridge with a 15ft droop. The bridge was previously faulted on the 3rd of May after the Mobile Operations Manager inspected and found 8 out of 36 steps were defective.</p> <p>The ambulance service confirmed that the person who fell down the stairs had sustained a cut to their leg. The footbridge was taped off by the Mobile Operations Manager and structures were asked to attend. It was unknown whether the member of public was taken to hospital.</p> <p>Structures advised that they repaired the bridge and reopened the footbridge at 2155.</p> <p>Cause - Awaiting NR2072P</p>
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