

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: / /

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: Snarkhurst Wood Level Crossing
Nearest station: Hollingbourne
Line: Swanley Junction to Ashford Junction (Via Charing Cross)
Mileage: SBJ @ 44 miles 75 chains
NGR: TQ833551
Parish: Hollingbourne
District: Maidstone
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: KH 183

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

20 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 are kissing gates and step-ups onto the level crossing surface from both sides.

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.

The diversion route is shown by a solid green line on the attached plan. The width of the route will be 2 metres.

The length of the diversion from Point A to Point B is 350 metres. However, it should be noted that users may not be intending to walk solely on Footpath KH183, and may have utilised footpaths KH185, KH184, KH154 and also the station approach road. For completeness, the distances between the various points are listed below:

- A-B-C-D-E approx. 350m
- B-C-D-E approx. 290m
- C-D-E approx. 235m
- D-E approx. 200m

- (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?

Yes.

If NO, give reasons.

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

- (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 footpath is considered to be a leisure route only due to its location and surrounding area. The level crossing does not have high levels of use; on average there have been 2 users per day. It is possible that this number increases slightly in the summer months, but not to a great extent.

There has been no recorded use by vulnerable users.

However it is known that people will cross over the level crossing with headphones, thus reducing their ability to hear approaching trains.

- 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 2nd June 2016. On Network Rail's All Level Crossing Risk Model, which assigns a relative risk to each level crossing, the crossing scored a rating of C6, making it high risk.

The key risk drivers are:

- Insufficient sighting/warning time of approaching trains
- Fast and frequent trains
- Sun glare (although the crossing does not rely solely on sighting)
- Crossing configuration
- Proximity to Hollingbourne Station

Due to the low level of usage there are no recorded incidents of near misses or fatalities at this level crossing.

However, it is felt that this does not adequately represent the risk at this level crossing; it is Network Rail's view that there is a likelihood of a serious incident occurring at this level crossing due to the lack of visual warning of approaching trains providing insufficient time for users to pass over the level crossing.

Further, Network Rail employees have witnessed users crossing whilst wearing headphones, failing to look for approaching trains and crossing both in front of, and behind, trains stopped at Hollingbourne station.

It is estimated that an average person would require 10.5 seconds to safely pass over the crossing, this is allowing for the step-up and step-down on each side of the crossing.

The level crossing is situated 50 metres to the west of Hollingbourne station, between fields:



Level Crossing kissing gates from south of railway line



Level crossing kissing gates from north of railway line



Level crossing approach from south of railway line



Level crossing approach from north of railway line



Sighting available when crossing from south to north and looking right towards Hollingbourne station.

When crossing in this direction there is only 100 metres of available sighting of approaching trains to a user. This gives users roughly 2-3 seconds between first seeing an approaching train (at its furthest point) and that train passing over the level crossing (this is 7-8 seconds less than required to safely pass over the crossing).

The minimum sighting distance required at this location, in all directions, is 375 metres; the sighting in this direction is therefore insufficient and non-compliant.



The sighting distance available when looking left (away from Hollingbourne Station) from the same point is 340 metres; it is therefore insufficient and non-compliant in this direction.



When crossing from north to south and looking left, towards Hollingbourne station, the sighting distance available is 285 metres. Again this is insufficient and non-compliant.



It is only when looking right from the same point that the sighting distance available is compliant at 420 metres.

When crossing in both directions and looking towards Hollingbourne station, the sighting lines for users is 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.

Whilst some vegetation clearance could be carried out to assist sighting when crossing from south to north and looking left (away from Hollingbourne Station), this would not be to any great extent and sighting would remain insufficient due to track curvature.

In order to mitigate the insufficient sighting distances available to users whistle boards are present on both approaches; this requires train drivers to sound their horns on approaching the level crossing. This system relies on the individual actions of drivers and the residual risk remains that users of the level crossing may not hear or appreciate the significance of the train horn.

When carrying out the recent Risk Assessment the Level Crossing Manager reported that a non-stopping service failed to sound their horn on approach to the crossing; it is unlikely that this is the only occasion that a driver has failed to sound their horn. The system of whistle boards cannot therefore be relied upon to fully mitigate the risk posed at this level crossing.

It is not permitted for whistle boards to be positioned further than 400 metres from a level crossing as users would not hear the sound of the horn if they were positioned further away. At this location the whistle

boards are positioned at the maximum allowed distance of 400m. However, in order for them to provide the necessary warning time to users of its presence they should be positioned at closer to 420 metres. We cannot reposition the whistle boards as the crossing would become non-compliant and a speed restriction would be required on the line.

Whilst it is not known if the level crossing is used at night it should be noted that due to 'dark hours' regulations train drivers are not permitted to sound their horn between the hours of 23.00 and 07.00; therefore anyone using the crossing between these hours will have no warning of an approaching train.

Given the proximity to Hollingbourne station there are concerns that users become complacent when using the crossing with 'regular' users 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 can also mask the sound of the train horn, so users may cross having failed to hear the warning from the approaching train.

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. Hollingbourne 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.

It can be noted from the photos above that there is a step-up onto the crossing; it is possible where users are required to step-up onto a crossing that they may lose their balance whilst trying to carry items, guide children or control dogs over the crossing

Further, due to the surrounding fields the crossing deck is often seen to be muddy and slippery; despite the installation of a non-slip decking surface, Network Rail cannot prevent this further.

On recent site visits it has been noted that the steps to the crossing have been used to scrape mud off of users' boots; this creates a dangerous situation where users are not concentrating on the railway and the potential of approaching trains. It can also result in the steps themselves

become slippery, which may cause users to trip either up onto or down from the crossing.

The line speed on both lines over the crossing is 80 mph with 84 trains scheduled to pass over the crossing per day; this includes both passenger and freight services.

It is possible that the line speed and number of train services (passenger and freight) will increase at this location in line with government policies to reduce passenger journey times, increase passenger numbers on the railway and move the transport of goods from road to rail.

Insufficient sighting at the level crossing (2-3 seconds only), coupled with the fast speed of approaching trains with virtually no sound, and with both stopping and non-stopping services produces a negative and potentiality fatal relationship between the crossing time for users and the approaching trains. It is Network Rail's view that the level crossing should be closed with users diverted to the adjacent station footbridge.

- 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 stepped footbridge at Hollingbourne station, which is 70 metres to the east of the level crossing.

The footpath will then pass over land adjacent to the platform at Hollingbourne Station and heading north-west to link up to footpath KH183 at the Network Rail boundary. This area will require some vegetation clearance in order to facilitate the new footpath; Network Rail propose to clear the required area, creating a walkway, at a width of 2 metres, and lay a type 1 surfacing to the ground. A wicket gate is also proposed at the point where the footpath will meet the station platform.

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.

The proposed diversion route will take approximately 6 minutes to walk, based on an average walking speed of 1.5m per second, this allows for ascent and descent of the footbridge.

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

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

Due to the presence of steps on both sides of the level crossing and also being surrounded by fields which are known to become extremely muddy during the winter months, it is Network Rail's view that the footpath can only be enjoyed by those who are able-bodied; the proposed diversion via the station footbridge should not therefore be seen as preventing use to a route that should be accessible to all.

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.

However, it is possible that if the diversion is confirmed usage of the surrounding footpath network may increase as users will no longer have to use the level crossing to enjoy footpaths KH183 and KH154.

It may also be possible for the promotion of the footpaths around Hollingbourne Station to be included as 'car free' or 'train walks', with users/groups being able to begin directly at the station.

- 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;

Diversion of the public footpath to the adjacent stepped footbridge at Hollingbourne station is the preferred option. Network Rail does not have sufficient funds to erect a bridge at the current location of the level crossing; it is also unlikely this would be acceptable in planning terms given its location between fields and proximity to Hollingbourne station and its associated buildings and footbridge already in situ.

Whistle boards are positioned 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.

Vegetation management has been undertaken, and is regularly required to maintain current sighting distances, but due to track curvature and the proximity to Hollingbourne station no further improvements could be made to available sighting.

If the diversion to the adjacent station footbridge is unsuccessful an alternative warning system would need to be installed; this would likely include both a visual and audible warning.

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

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

The installation of a new stepped footbridge directly at the location of the level crossing would cost a minimum of £650,000; it is likely the cost would be closer to £1million due to the requirement to purchase third party land, obtain planning permission and the surrounding ground conditions.

Installation of a visual and audible warning system would cost a similar figure due to the proximity of the level crossing to Hollingbourne Station; it is possible that signalling infrastructure would need to be amended and thus costs could far exceed £1 million.

Network Rail does not have funds at this level available.

- 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, utilising the station footbridge, will remove the need for users to pass directly over the railway via a level crossing. Users will also no longer have to wait for trains to pass.

There will be no need for whistle boards to be retained, thus improving the amenity of the local surroundings.

The diversion to the adjacent station footbridge will allow 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)

Southern Water
PO Box 41
Worthing BN13 3NZ

(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 (being between Points A-E). 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.

Whilst this level crossing does not have a high level of use, it is the insufficient sighting available that causes concern.

This sighting cannot be improved and the proximity to Hollingbourne Station reduces the options available to Network Rail to carry out works or install other mitigation measures; it is for these reasons Network Rail feel that diversion to the adjacent station footbridge is the best option for diversion of footpath KH183 and closure of the level crossing.

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
Address

Network Rail
Floor 3 Suite 1A
Waterloo Station
London
SE1 8SW

Position held

Liability Negotiations Adviser

Date