

FORM OF REQUEST FOR A RAIL CROSSING EXTINGUISHMENT ORDER

HIGHWAYS ACT 1980

TRANSPORT AND WORKS ACT 1992

**REQUEST FOR A RAIL CROSSING EXTINGUISHMENT ORDER TO BE MADE UNDER
SECTION 118A 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 USE ONLY

File Ref:

Date acknowledged:

1. RAIL CROSSING TO BE EXTINGUISHED

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

Penleigh Park Public Footpath Level Crossing – WES 95miles 50chains

Parish of Westbury

Easting and Northing: X: 386280 , Y: 151524

What3Words: trophy.decorated.drove

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

Public Footpath – WEST15

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

20 Metres between Point A and Point B

Point A – Junction of footpaths WEST15 and WEST 16 / Network Rail's Southern (downside) boundary and Oldfield Road (X: 386286, Y: 151518)

Point B – Kissing Gate on the Northern boundary of Network Rail owned land (X: 386275 , Y: 151529)

- (d) Description of length of any path or way to be extinguished by reference to terminal points shown on a map to be supplied and attached by the applicant 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.

From Point A (Junction of footpaths WEST15 and WEST 16 / Network Rail's Southern (downside) boundary and Oldfield Road) a user would navigate the kissing gate before reaching the decision point of the crossing within the steps.

After confirming there is no train coming by following the "miniature warning lights and audible alarms which activate when a train is on approach, the crossing user would climb up five steps up from the decision point on to the rubber surface, crossing over the 2 tracks, before going down the gravel ramp on the Northern (upside) kissing side of the crossing before exiting the railway owned at Point B (Kissing Gate on the Northern boundary of Network Rail owned land)

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

Network Rail

(Head Office: Network Rail, Waterloo General Office, London, SE1 8SW)

(Contact for Application – James Audley, Liabilities Negotiations Manager (Secondment) – Wales and Western Region, Western House, 4th Floor, 1 Holbrook Way, Swindon, SN1 1BD)

- (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, as Network Rail are the only landowner.

If YES, enclose all written consents.

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) Are you prepared to enter into an agreement with the council in accordance with section 118(5)?

Yes

- (h) Give reasons for the proposed extinguishment of the rail crossing (use separate sheets if necessary). 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 of this information (any circumstances preventing or inhibiting such use must also be mentioned):

The existing path, known as West 15/16, including the section over the level crossing (LC) (referred to by Network Rail as Penleigh Park FP level crossing), is currently open to the public.

The last routine level crossing risk assessment carried out by NR in August 2023 recorded a very high number of daily crossings, an average of 203.

This assessment was carried out post the redevelopment of the location. Until recently the crossing was rural on one side of the line, attracting only occasional use with leisure walkers and small amounts of commuters from Westbury. It is now a fully urban location both sides of the crossing are built with residential buildings up to the railway boundary.

The route of the footpath on which the LC is situated now provides the most convenient access route for the occupants of the new homes towards the town, and local amenities, including skate park, and most significantly school.

The proximity of the housing to the level crossing now makes it a familiar and 'everyday' feature to many residents where a sense of complacency is likely to develop. Furthermore, Network Rail is cognisant that the crossing is being used by a large proportion of 'vulnerable' and 'encumbered' users. This includes, but is not limited, to children unaccompanied by adults, users with mobility impairments, aged users, and users who are encumbered with objects such as push-bikes pushchairs and carrying large items. Vulnerable and encumbered users are deemed not to be able to use the crossing with the same degree of awareness and safety as other users. In these circumstances the calculation used in the risk assessment to model the time users take to cross (the traverse time) is modified by an additional fifty percent.

As the crossing is now seeing a large amount of use by vulnerable and encumbered users the risk profile of the crossing has significantly affected. The level crossing is already at the highest level of protection currently available to users – an active warning of train approach by lights and alarms – therefore aside from closure or construction of a footbridge, there is little in the way of additional mitigation that can be provided to safeguard against these increased risks.

In preparation of creating a safety case for closure, a three-week census was conducted from the 21/12/2024-12/01/2025. The reasoning for this census was to show seasonal variation and the change of use at different times of the year i.e. Christmas period when schools are closed and some work places are

closed, so what this census has given us is more insight for when and who the crossing is used by during other times, such as high level of school children or people travelling to and from a place of work. This additional census recorded a lower average use of 54 people per day, however a larger number of misuse incidents occurred during this time (Seven counts of misuse which includes adult, children, and vulnerable users).

- (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:

There is now a serious risk of fatality to a person using the level crossing if the crossing is not closed.

The footpath level crossing is located on the Westbury Avoiding Line (WES), which provides a faster link for trains between London and the West Country not timetabled to call at Westbury railway station. In this section of the line trains pass over the crossing at speeds of up to 100mph, or 44.7m/s, in both directions. Since this is the attainable speed of trains in this section this is the speed of trains that is used in the risk assessment process.

A user is deemed as being at most risk on the crossing between the 'decision point', a point two metres in front of the nearest rail where evidence suggests users ultimately decide whether to cross or not, to a point which is two metres beyond the furthest rail. However, in this instance as the crossing currently has a miniature warning light system in place it is the units themselves that are the decision points. So, with this in mind the upside decision point is 5.1m from the running rail and the downside decision point is 4.9m from the running rail. This is the traverse distance. The traverse distance for Penleigh Park FP level crossing is 12.23metres from the up to the downside and 12.1metres from down to up.

A user should have enough time to walk over the crossing in safety if, when starting to cross from the decision point, they become aware of an approaching train. The speed that a pedestrian takes to cross in a level crossing risk assessment is mandated at 1.006m/s where there is no suitable crossing deck and at 1.189m/s where there is a suitable crossing deck. Since the crossing does not have a suitable crossing deck (retained stone steps up to the rubber Strail units over the railway track from the light units) the crossing traverse time is 12.3m divided by 1.006ms⁻¹ to give a typical crossing time of 12.23 seconds. But, as indicated above, where vulnerable users are identified as making up a higher-than-normal proportion of the user profile, fifty percent is added to the traverse time. The traverse time at this crossing therefore becomes 18.35 seconds.

For a traverse time of 18.35 seconds and with a train speed of 44.7 m/s the required sighting distance from this crossing is 827m.

The actual sighting distances from the crossing fall significantly short of the required minimum sighting distance. The maximum actual sighting distances were taken from observations during the level crossing risk assessment as follows:

From the.

Up (northern) side looking in the Down (eastwards) direction - 630m.

Up (northern) side looking in the Up (westwards) direction - 230m.

Down (southern) side looking in the Down (eastwards) direction - 300m.

Down (southern) side looking in the Up (westwards) direction - 566m.

Sighting in both directions is limited by the track curvature, which is a gradual 'S-bend'. The worst sighting occurs from the north-western side of the crossing when looking west and coincides with the inside of the curve. The sighting there is only 230m.

Because of these restrictions, the crossing has an active warning system advising of an approaching train; miniature stop lights that would display a red light to users (and a green light when no train is approaching). The warning time (red light/alarms) provided at Penleigh Park for approaching trains at full line speed is 30 seconds.

If the system is faulty, i.e., there is no aspect displayed, users must telephone the signaller using the telephone number provided for permission to cross the railway. This is not an infallible method of protection, as many users will make the decision to cross either because they do not have a phone with them, or cross without telephoning by looking up and down the line instead. Consequently, Network Rail will endeavour to provide crossing users with as great a view as possible of the track either side of a crossing to maximise the sighting distance, but sighting is often limited by permanent structures and track curvature.

- (iii) the effect of the loss of the crossing on users, in particular whether there are any alternative rights of way, the safety of these relative to the existing rail crossing, and the effect on any connecting rights of way and on the network as a whole:**

The diversion of Public Footpath West 15/16 will have a substantially positive effect on the safety of users but a negligible effect on their enjoyment of the local public path network.

The diversion as proposed will enable the closure of the level crossing and the removal of all the components of the crossing to ensure that users cannot cross at this location. Clearly, this will remove all risk associated with people

encountering moving trains (accidental as well as intentional) as well as any other risk in using or accessing railway infrastructure.

In the short to medium term, the right of way network would suffer from a loss of connectivity, however, there are long terms plans for a new road overbridge to be constructed at X: 386024 , Y:151313 as part of the numerous housing developments in the area.

The alternative access for a user would be to use the existing public network comprising of Oldfield Road, Bridge Court, and the B3097/Station Road on the south of the railway, and to the North of the Railway, the B3097/Station Road Amazon Way and Swallow Rise, all of these roads have suitable pavements on both sides of the road and crossing points to allow for safe access.

- (iv) the opportunity for taking alternative action to remedy the problem such as a diversion, bridge or tunnel, or the carrying out of safety improvements to the existing crossing:

The following risk control measures have been considered but Network Rail is satisfied that none of them is reasonably practicable to mitigate the known and anticipated risks at the crossing:

Ergonomic improvements to the level crossing:

Although a gate-to-gate enhancement would improve the traverse time because of improving walkways including the removal of the steps, it wouldn't be enough to reduce the risk high use or deem the crossing compliant on the sighting of trains. So, this option of mitigation has been rejected.

Reduction in line speed of trains:

Level Crossing Manager believe this would have a negative impact to the travelling public and cause to much disruption to the passive of trains.

Install an Access For All (AFA) footbridge:

Local Authority have already been partially funded to deliver a road bridge, however the funding for this was not enough, however at the time of consultation funding for a footbridge, by the local authority was enough for this to go ahead, and it was agreed upon.

Install an underpass:

As above.

- (v) the estimated cost of any practicable measures identified under (iv) above:

Ergonomic improvements to the level crossing: £100,000

Reduction in line speed of trains: Not applicable / available

Install an AFA footbridge: £5,200,000

Install an underpass: £4,500,000

- (vi) the barriers and/or signs that would need to be erected at the crossing or the point from which any path or way is to be extinguished, assuming the order is confirmed:

Standard closure signage with instructions demonstrating the diversion would be erected and maintained where required for a reasonable time following the closure of the footpath level crossing. The crossing would also be physically secured using appropriate materials in-keeping with those already present in the local area.

2 NAMES AND ADDRESSES OF PUBLIC UTILITY UNDERTAKERS IN AREA

(whether or not their apparatus is likely to be affected):

Gas Supplier: British Gas Trading Limited, Millstream, Maidenhead Road, Windsor, Berkshire, SL4 5GD

Gas Transporter: Wales and West Utilities Ltd, Wales and West House, Spooner CI, Coedkernew, Celtic Springs, Coedkernew, Newport NP10 8FZ

Electricity Supplier: Scottish and Southern Electricity Networks, No.1 Forbury Place, 43 Forbury Road, Reading, RG1 3JH

Water and Sewage: Wessex Eater, Claverton Down Road, Claverton Down, Bath, BA2 7WW

3 MAPS AND PLANS

List 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: 25000 or, if no such map is available, on the largest scale readily available, showing the crossing and any paths or ways to be extinguished, and any connecting paths or ways, within the context of the general rights of way network.

Network Rail s118A WEST15 Extinguishment Map

4 OTHER INFORMATION

Give any other information you consider relevant.

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DECLARATION

I/we

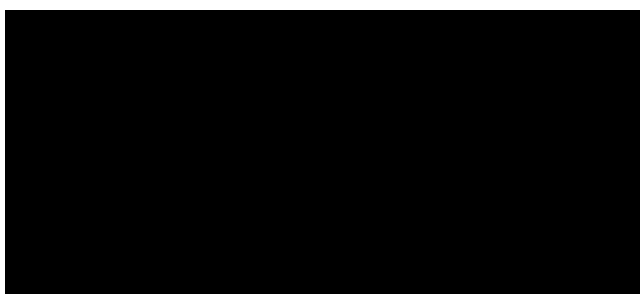
(a) understand that no authority of the extinguishment or obstruction of any path or way in this request is conferred unless or until a Rail Crossing Extinguishment order has been confirmed and come into force;

(b) request that a Rail Crossing Extinguishment order be made to stop up the crossing and path or way described in Section 1 above; and

(c) declare that to the best of my/our knowledge and belief, the factual information included in this form is correct.

(d) agree to pay Wiltshire Council the sum of £2770 plus the cost of any public notices, travel mileage and associated site works incurred by the Council on completion of the application or proportion of same if the application is withdrawn or if an order is made, advertised but subsequently not confirmed.

Signed



Name in Capitals **JAMES AUDLEY**

On behalf of (name of railway or tramway operator)

Address **Network Rail, 4th Floor, 1 Holbrook Way, Swindon, SN1 1BD**

Position held **Liabilities Negotiations Manager (Secondment) – Wales & Western Region**

Date **28th MARCH 2025**

Name and address for invoice if different from above:

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Purchase Order number (where applicable)

Note: the council will need all relevant information to proceed.

Please send completed form, maps and plans to:

Definitive Map and Highway Records Manager

Rights of Way and Countryside

Wiltshire Council

County Hall

Bythesea Road

Trowbridge

BA14 8JN

Information relating to how Wiltshire Council will manage your data can be found at:

<http://www.wiltshire.gov.uk/recreation-rights-of-way>

s.118A April 2024