

**From:** [Planning](#)  
**To:** [Roberts, Ali](#)  
**Cc:** [Sarah Harris](#); [Lynne Gill](#); [Planning](#);  
**Subject:** RE: The Proposed Extinguishment of Penleigh Park Level Crossing, Footpath Westbury 15  
**Sent:** 08/07/2025 09:49:04

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Dear Ali,

Please see below representations from Westbury Town Council Highways Planning and Development committee for the proposed extinguishment of Penleigh Park level crossing, footpath Westbury 15.

**Westbury Town Council strenuously objects to Network Rail's Proposed Extinguishment of Penleigh Park Level Crossing, Footpath Westbury 15 (part)** *(the existing path, known as West 15/16, including the section over the level crossing (referred to by Network Rail as Penleigh Park FP level crossing), is currently open to the public.)* and extinguish the registered public right of way with Wiltshire Council.


**The reasons for our objections are as follows:**

1. Network Rail is attempting to affect the closure using Section 118A of the Highways Act which they define as the extinguishment (stopping up) for the reason of railway safety. More accurately this section applies where it appears to a council expedient in the interests of the safety of members of the public using it, or likely to use it, that a footpath in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up. We believe that Network Rail (NR) has failed abjectly to demonstrate that this is the case.
2. It appears that part of Network Rail's case for the stopping up relies upon a fatality at Pewsey on a pedestrian crossing that is far inferior to the one on Oldfield Road. It is our belief that it is simply a convenient way to try and achieve the target on crossing closures that Network Rail is pursuing.
3. Network Rail has failed to provide evidence that the crossing is any more dangerous than it was in 1933 when it was first opened. There is no empirical evidence whatsoever – no evidence of fatalities, or even near misses, at this footpath crossing.
4. Network Rail states that "the last routine level crossing risk assessment carried out by Network Rail in August 2023 recorded a very high number of daily crossings, an average of 203". These figures are a huge under representation of the demand and user numbers, as it was undertaken during a period when schools are all closed and many workers who use the crossing are on holiday. Network Rail have followed this up with an even more cynical piece of so-called evidential work "in preparation of creating a safety case for closure" when "a three-week census was conducted from the 21/12/2024 – 12/01/2025" apparently as some sort of benchmarking process. They acknowledge that this period was, in part, whilst schools were closed over Christmas and other users were on holiday. Network Rail failed, however, to mention that also during this 23-day period Westbury train station was closed for 19 of those days, rendering the census absolutely useless and of no statistical value whatsoever.
5. This pedestrian crossing point was constructed in 1933, when the Westbury Avoiding Line was first built, prior to which the footpath was in existence, and therefore predates the railway line. If something needs to move, perhaps it is the railway, and the footpath has a prior claim.
6. The Network Rail case references that "the crossing is now seeing a large amount of use by vulnerable and encumbered users the risk profile of the crossing has significantly affected". So, Network Rail proposes sending the vulnerable and encumbered users on a detour of over a kilometre. Surely this is a problem for Network Rail, not one that the residents of Westbury should be made to shoulder.
7. The Network Rail case contains several claims of a large number of misuse incidents but provides no detail of any evidence. Westbury Town Council's own observations have identified dangerous behaviours by train operators with repeated failures to use their klaxon horns to warn pedestrians. This failing is, surely, putting users at risk, and yet Network Rail fails to acknowledge this.
8. Network Rail claim that "There is now a serious risk of fatality to a person using the level crossing if the crossing is not closed" and yet provide no evidence for this or basis for this claim. We believe that the increased risk of the closure on the people of Westbury is so great that this would be reckless.
9. The lack of alternative routes, should this crossing be closed, is, frankly, dangerous. Station Road footpath is inadequate, particularly where it passes under the rail bridge, where the western side footpath is too narrow for anything other than single file pedestrian traffic, cannot accommodate wider prams or pushchairs and cannot be used by parents with small children, even if the pigeon faeces that builds up on the footpath from birds nesting under Network Rail's bridge. Major improvements to pedestrian routes in Station Road would be required, the cost of which should be borne by network Rail prior to further contemplation of the crossing closure.
10. Network Rail claim that "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. This is possibly one of the most fatuous and self-serving claims that they make. And based upon what evidence?
11. Network Rail make a lot of the possible bridge over the railway line at the end of Mane Way, stating "the 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." We do not believe that this is entirely correct.

Whilst Wiltshire Council have given a general assurance about a bridge being built in the future, there is no certainty of timetable. Unless Network Rail are suggesting that they will provide funds necessary to meet the shortfall in building the road bridge, they should not place any reliance upon that.

Westbury Town Council believes that the case for closure of the crossing is extremely weak, with a complete lack of any evidence to support the Network Rail claims, and closure of the crossing is nothing short of indefensible.

Many thanks  
Kind regards



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Westbury Area Network

Mayor's Nominated Charities 2025-2026

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**From:** Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)>

**Sent:** 29 May 2025 16:03

**To:** Roberts, Ali <[Ali.Roberts@wiltshire.gov.uk](mailto:Ali.Roberts@wiltshire.gov.uk)>

**Subject:** The Proposed Extinguishment of Penleigh Park Level Crossing, Footpath Westbury 15

**Highways Act 1980 S.118A**

**Transport and Works Act 1992**

**The Proposed Extinguishment of Penleigh Park Level Crossing, Footpath Westbury 15 (part)**

Wiltshire Council are in receipt of an application from Network Rail, dated 28 March 2025, to extinguish the level crossing on Footpath Westbury 15 (WEST15) known as Penleigh Park Level Crossing, under Section 118A of the Highways Act 1980 inserted by the Transport and Works Act 1992. The proposal is to extinguish WEST15 as shown on the attached plan from the route shown with a bold continuous line A-B, approximately 20 metres in length.

The alternative route for the walking public would be via Oldfield Road, Bridge Court, Station Road, Amazon Way and vice versa, which is approximately an additional 1km journey. Below is a map segment showing the alternative route from point to point.

**Statement of Evidence:** Westbury Town Council

**Town & Countryside Planning Act 1990 – Section 257**

**Order Making Authority: Wiltshire Council**

**Title of Order:** WILDLIFE & COUNTRYSIDE ACT 1981 SECTION 53

Wiltshire Council Parish of Westbury Path No: 15 (Part) Diversion Order & DMMO 2019

Dear Sir

Westbury Town Council considered the application for diversion of (part) Westbury Footpath 15 at its March 2019 meeting and objected to the diversion on the following grounds:

1. That footpath 15 has significant historic importance to Westbury as a former railway community.
2. The footpath is an important link between the residents who were the railway working population, the railway infrastructure, the Station Area, the former Iron Works, and the Westbury Area Trading Estates.
3. Whilst the area has no classification of protection of landscape, flora, or habitat it is nevertheless located in an area of significant industrial and commercial heritage that is no less important to us than any other classification of land.
4. Westbury Town Council refutes Wiltshire Council's conclusion of inconsequential effect on the grounds that this historic footpath will be consumed into the fabric (paths & hard surfacing) of the permitted development and will be permanently lost.

**Matters considered:**

The footpath links Oldfield Road with the Westbury railway works and the station area and the footpaths of the social housing areas of Oldfield and Penleigh Parks.

The Social Housing Area is the home of the drivers, guards, conductors, porters, signalmen, shunters, carriage, wagon, slip, drainage and rail infrastructure maintenance and rail relaying engineers.

This footpath contributed directly to the development of the railway at Westbury which is Isambard Brunel's south eastern junction on the Great Western Railway.

Generations of Westbury's rail men and rail women have walked to work and back along this path. Without this path that walk would have been much further.

Just beyond the railway other centres of industrial employment such as the Westbury Iron works, and the Westbury Area Trading Estates rely heavily on this footpath for the supply and delivery of labour.

Historic maps and photographs clearly show that the network of footpaths that includes footpath 15 well established prior to the extensions to the Westbury Marshalling yard and the construction of the Westbury Engine Sheds.

For their recreation many residents of the Parks would use this path as a preferred walking route for the railway station and the train to Trowbridge, Bath, Bristol, Salisbury or London. Such is the importance of Brunel's Junction at Westbury.

The permitted plan has this important path integrated into the hard surfaces and footpaths of the development which would cause its disappearance forever.

Wiltshire Council should have concerned themselves with protection of the industrial and railway heritage of Westbury which this footpath has a central role instead of being so quick in regarding a 5m diversion in 62m path as inconsequential especially as the path is set for integration into the structure of the development.

Linden Homes have the necessary designers and urban planners to enable to preserve this historic path whilst delivering a well-designed development. This is little to ask for especially as they have been excused both a social housing and education facilities contribution by Wiltshire Council.

### **Conclusions:**

Footpath 15 is an outstanding reminder of an industrial, commercial and railway operations history which is important to our community and widely celebrated in our history and heritage.

It is a popular and well used walkway whose importance will be lost and unappreciated if it is absorbed into the hard standings and metalled walkways of development.

We believe that Linden Homes and Wiltshire Council should preserve forever this footpath unaltered and build around it. If they do not Westbury will lose forever its connection to its industrial heritage.

This statement draws very little from the Provisions of the T&C Planning Act 1990 or the Wildlife & Countryside Act 1981 but it does conform to Wiltshire Councils Core Strategy to 2026 in particular Core Policies (CP) **32** – Westbury Community Area; **35** – Existing Employment Land; **49** – Protection of rural services and community facilities; **51 (iii)** – Landscape; **52 (iii)** – Green Infrastructure; **55** – Air Quality and **57** – Ensuring high quality design and place shaping.

**Report Author:** Councillor Gordon King  
For and on Behalf of Westbury Town Council