The Proposed Extinguishment of Penleigh Park Level Crossing, Footpath Westbury 15.

Network Rail Response to Objections.

Network Rail writes in response to the objections being submitted to our application to extinguish the Public Right of Way, Public Footpath Westbury 15, across the level crossing known as Penleigh Park, an application Network Rail submitted due to the misuse of the crossing resulting in our serious concerns relating to public safety.

Due the amount of, and varying subjects discussed in the objections, Network Rail has broken down this response into the most common subject areas.

- A Bridge (Stepped, Ramped or Road) should be Constructed.
- Level Crossing Safety and Technology.
- Level Crossing Census, Incidents and Misuse.
- Distance and Safety of the Alternative Route.

In this letter, Network Rail has responded to comments received through this formal process and outline some of the issues which have led to this application being submitted. Prior to the construction of the adjacent housing estate, Penleigh Park Crossing was not a significant safety concern, as the level crossing had significantly less usage.

A Bridge (Stepped, Ramped or Road) should be Constructed.

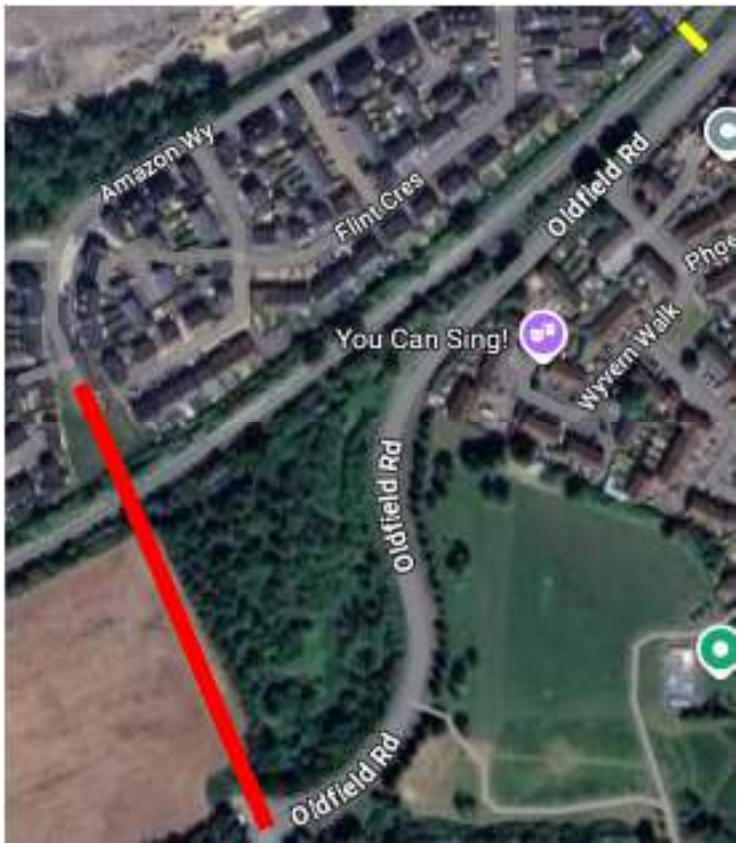
Concerns have been raised regarding the promise of a bridge during the consultation and consideration of the development which has occurred adjacent to the Penleigh Park level crossing.

As way of a background in 2016, Network Rail objected to the planning application for housing because of the impact on the safe use of the Level Crossing in the absence of its closure or mitigation (i.e. a new bridge over the railway). One of the main reasons was the obvious route from the newly proposed housing with young families occupying who would use the crossing as the most direct journey to the nearby primary school and the potential for young children moving into the new houses misusing the crossing whilst playing in the local area.

The Council's aspiration at the time was to build a new road bridge across the railway to connect Mane Way to Amazon Way, shown in red below with the crossing in yellow, whereas Network Rail were more concerned about the impact the development would have on level crossing usage and were comfortable should a footbridge be constructed at the

location of the level crossing, location shown in yellow below, this would overcome our safety concerns. Through the planning process and as a requirement of the planning permission for 300 houses in 2016 a £2 million contribution towards the cost of the bridge was required from the developer through a Section 106 agreement.

Wiltshire Council's preference was to construct a new road bridge which at the time was thought to cost in the region of £6-7 million and divert the existing Public Right of Way (PROW) from the level crossing to the new bridge that would facilitate the closure. The remainder of the funding for the bridge would come from a combination of Highway budget and developer contributions from other housing developments being promoted close by in Westbury.



Due to Network Rail's concerns that the road bridge may not be delivered as a result of the remaining funding not coming forward or a change of political view on the delivery of the road bridge we requested a change to the S.106 with the default position should the council not build the road bridge within 10 years after the completion of the housing the £2 million developer contribution will come to Network Rail towards the cost of building a footbridge to facilitate the closure of the LC. Network Rail did ask for a much shorter period than 10 years in S.106 negotiation's albeit this was the timeframe accepted by the council as they were confident that a road bridge would be delivered much quicker than this.

Network Rail welcomes the support from the public and other stakeholders making representations to this extinguishment for the proposed bridge solution and agree that it represents a practical solution to enable the closure of the crossing. That's why we've supported the bridge proposal and recognise its potential to significantly reduce risk at this location. However, whilst Network Rail has continued to push for a delivery date this simply has not progressed and does not seem to have made any progress forward closer to construction. In addition, as the S.106 linked to the new housing only required a £2 million contribution should the funding now come to Network Rail a new footbridge would cost significantly more than this to deliver.

So, we have summarised the current position in relation to a new bridge that could divert the PROW over it below.

- The Council currently do not have enough money nor have a timeframe for the implementation of a road bridge.
- Install an accessible ramped footbridge in the region of £5,200,000.
- Install a stepped footbridge in the region of £4,000,000.
- Install an underpass in the region of £4,500,000.

The above figures are estimates as we have not completed intrusive surveys or completed design work that would be required to provide a more accurate cost.

Network Rail are also concerned that Wiltshire Council is not being consistent in their actions and the comments from various council officers do not seem to be joined up nor do they take account of the background of why this has become such an issue of concern following the Council's approval of planning permission of a large housing estate directly abutting the level crossing.

Level Crossing Safety and Technology.

Introduction of Further Technology – Since the construction of the new housing and increased use of the crossing at our expense we have installed Miniature Warning Stop Lights (MSL) at the crossing. However, even with this new mitigation in place we've recorded several serious incidents involving misuse of the crossing with individuals ignoring safety warnings and signage. The current MSL technology is the highest level of technology available whilst keeping the level crossing safe as far as practicably possible without closure.

Safety at the Crossing – 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.

Introduction of Whistle boards – Drivers are only required to sound their horn on the approach to level crossings if a whistle board is present, instructing drivers to do so. If none are present, then a driver will only sound the horn in an emergency. Whistle boards are not present on the approach to Penleigh Park, nor will the ORR allow us to install them at crossings where they are not already present. The miniature warning light system also has an audible warning which supersedes the need for whistle boards.

Introduction of Telephones – The principal reason as to why a permanent telephone could not be added to this location is the due to the urban nature of the crossing and the potential for misuse of any phone, adding unnecessary distraction away from more vital areas of the network and the workload of the signallers given the busy nature of the crossing.

The purpose of the telephone is when there is an incident of system failure (i.e. lights not working) or if there was danger on or near the railway which could harm that of the travelling public (people on trains) on that of someone using the crossing, the phone could be used to contact the signaller so that emergency action could be taken.

Locking Gates – Having gates that lock on the count of a train passing over a counter to stop access is not possible based on safety as if a train passed over the counters when a person is already crossing the railway, it would lock them within the railway boundary / infrastructure with no form of escape possible.

Vegetation Clearance – Some improvement of sighting (of trains) through the very frequent control of vegetation growth can be achieved on the Up (northern / Amazon Way) side looking in the Up (westwards) direction. However, with the railway running through a cutting on a sweeping curve, additional sighting at the specific location of the Crossing which can be achieved, is minimal in any event.

Cutting-back will not improve upon the sighting figures stated above, and if vegetation is left to grow outside of very frequent cutting-back, sighting distances will inevitably become shorter. Whistle Boards were formerly installed to negate compromised sight lines (for 'able-bodied' users, only – not vulnerable users), but cannot properly be relied upon for the reasons outlined above.

Level Crossing Census, Incidents and Misuse

Census – Network Rail conducts census by using CCTV equipment at the level crossing. The census period can be anything from nine days to three months (or however long deemed necessary). The information that is captured on cameras is then reviewed, a lengthy process in which Network Rail can accurately be able to determine how many users a day use the crossing and the type of users that use the crossing.

A camera is at Penleigh Park Level Crossing permanently so that regular census's can be conducted, taking into consideration different times of the year such as school holidays, school term time and national holidays such as Christmas and Easter. The purpose of this is to give an accurate reflection of crossing usage.

Incidents and Misuse – The latest incident of recorded misuse was on 11th June 2025; the crossing went into dark mode, when the miniature warning lights and audible warning both failed. During this time, it was known that users where still using the crossing without following instruction of *"IF NO LIGHT DO NOT CROSS – TELEPHONE CROSSING OPERATOR"* with the number needed to call provide on the crossing signage. Network Rail have evidence that there is no record of telephone calls from members of the public during this time requesting permission to cross or to advise that the miniature warning light system was not operational.

Since 2022 the below table shows all recorded incidents that have occurred at Penleigh Park Level Crossing:

Save Search | Search Again | Export Results | View On Map | Refresh Results | Auto Refresh Off

Start Date/Time	Number	From Location	To Location	Title	Fault Number	TOA Numbers	Events	Files
08/11/2024 06:59	2854416 (closed)	Penleigh Park Level Crossing		Penleigh Park MSL in Dark Mode	588747	No delay	9 events	1 files
03/10/2024 15:01	2630516 (closed)	Penleigh Park Level Crossing		6V40 reported loud bang on crossing	586329	853896	8 events	1 files
25/08/2024 22:48	2614670 (closed)	Penleigh Park Level Crossing		1C98 reports striking something on crossing		No delay	3 events	
21/08/2024 18:22	2612593 (closed)	Fairwood Junction - [FD]	Penleigh Park Level Crossing	1A82 reports kick	583338	720641	5 events	
10/07/2024 20:29	2509417 (closed)	Penleigh Park Level Crossing		Kids placing stones on footpath crossing		No delay	4 events	
25/06/2024 17:27	2469681 (closed)	Penleigh Park Level Crossing		Crossing lights remained green with train passing over	578875	No delay	15 events	2 files
14/04/2024 12:54	2341746 (closed)	Penleigh Park Level Crossing		Trespasser		401816	8 events	
21/01/2024 18:24	2199331 (closed)	Penleigh Park Level Crossing	Heywood Road Junction - [HY]	1A90 struck branch	567462	194724	3 events	
11/11/2023 14:13	2101314 (closed)	Penleigh Park Level Crossing		Swan On The Line		989157	5 events	
19/07/2023 07:59	2021599 (closed)	Penleigh Park Level Crossing	Heywood Road Junction - [HY]	GW81-4B 20mph ESR imposed - kick reported - 1A71.	553269	865954	13 events	1 files
14/07/2023 20:02	2019601 (closed)	Fairwood Junction - [FD]	Penleigh Park Level Crossing	GW81-4B Track defect - 30MSR (boarded)	553269	864065	12 events	
12/07/2023 20:24	2017590 (closed)	Penleigh Park Level Crossing		Report of kids placing ballast on track Penleigh Park FP crossing	N/A	854230	6 events	
19/06/2023 17:33	1982270 (closed)	Penleigh Park Level Crossing		Trespass	550687	No delay	3 events	
21/05/2023 18:18	1948726 (closed)	Penleigh Park Level Crossing		Penleigh Park Dark Mode	548144	No delay	2 events	
06/04/2023 19:20	1846071 (closed)	Penleigh Park Level Crossing		Crossing in Dark Mode	545095	No delay	5 events	
27/03/2023 17:00	1809894 (closed)	Penleigh Park Level Crossing		Concern for Welfare		No delay	4 events	
02/02/2023 11:05	1674531 (closed)	Penleigh Park Level Crossing		Person sat beside the line		252627	9 events	
28/01/2023 13:42	1611587 (closed)	Penleigh Park Level Crossing	Heywood Road Junction - [HY]	Trespass		241639	5 events	
20/10/2022 09:03	1563643 (closed)	Penleigh Park Level Crossing		Penleigh Park LC in dark mode	532713	No delay	6 events	
18/10/2022 18:47	1562726 (closed)	Fairwood Junction - [FD]	Penleigh Park Level Crossing	GW7184.40mph ESR - as a result of 1A82 TSR confusion	532570	973740, 974627	8 events	1 files
28/08/2022 04:30	1537564 (closed)	Penleigh Park Level Crossing		Level crossing in dark mode	528909	No delay	2 events	
01/07/2022 09:02	1507131 (closed)	Penleigh Park Level Crossing		1A73 Reports Missing T Board on the Up Westbury/Up Westbury Avoider	524133	No delay	2 events	
09/03/2022 02:29	1436641 (closed)	Fairwood Junction - [FD]	Penleigh Park Level Crossing	GW60T Wet beds - 50mph ESR	513654	351549	2 events	1 files
21/09/2021 18:37	1283263	Penleigh Park Level		3-4 sheep on the down line	503676	No delay	5 events	

Recorded Incidents at Penleigh Park since 2022 (page 6 of original letter)

CCIL Ref	Incident Title	Incident Start	Incident Type
2954416	Penleigh Park MSL in Dark Mode	06/11/2024 06:59	Level Crossing Failure
2935016	6V40 reported loud bang on crossing	03/10/2024 15:01	Railway Crime
2914870	1C98 reports striking something on crossing	25/08/2024 22:48	Railway Crime
2912593	1A92 reports kick	21/08/2024 18:22	Broken Rail / Track defect
2889412	Kids placing stones on footpath crossing	10/07/2024 20:29	Railway Crime
2880861	Crossing lights remained green with train passing over	25/06/2024 17:27	Level Crossing Failure
2841746	Trespasser	14/04/2024 12:54	Trespass
2799301	1A90 struck branch	21/01/2024 18:24	Lineside Fencing and Foliage
2761914	Swan On The Line	11/11/2023 14:13	Animals on the line
2701099	GW814B 20mph ESR imposed - Kick reported - 1A71,	19/07/2023 07:59	Broken Rail / Track defect
2699801	GW814B Track defect - 30ESR (boarded)	16/07/2023 20:02	Broken Rail / Track defect
2697660	Report of kids placing ballast on track Penleigh Park FP crossing	12/07/2023 20:24	Trespass
2682370	Trespass	15/06/2023 17:33	Trespass
2668726	Penleigh Park Dark Mode	21/05/2023 18:18	Level Crossing Failure
2646011	Crossing in Dark Mode	06/04/2023 15:20	Level Crossing Failure
2640894	Concern for Welfare	27/03/2023 17:00	Concern For Welfare
2614531	Person sat beside the line	02/02/2023 11:05	Trespass
2612287	Trespass	28/01/2023 13:42	Trespass
2563643	Penleigh Park LC in dark mode	20/10/2022 09:03	Level Crossing Failure
2562726	GW719A 40mph ESR - as a result of 1A92 TSR confusion	18/10/2022 18:47	Speed Restriction Issues
2537564	Level crossing in dark mode	28/08/2022 04:30	Level Crossing Failure
2507131	1A73 Reports Missing T Board on the Up Westbury/Up Westbury Avoider	01/07/2022 09:02	Speed Restriction Issues
2436641	GW607 Wet beds - 50mph ESR	09/02/2022 02:29	Broken Rail / Track defect
2369064	3-4 sheep on the down line	21/09/2021 18:37	Animals on the line
2346145	GW551 70 mph TSR extended into ESR	05/08/2021 13:35	Broken Rail / Track defect

2255236	Fallen Trees	06/02/2021 14:34	Tree or Branch on the Line
2233090	Trespassers	18/12/2020 12:57	Trespass
2229332	GW400 - 50ESR - Condition of Track	10/12/2020 08:57	Broken Rail / Track defect
1711841	Crossing lights unlit	13/02/2018 08:19	Level Crossing Failure
1669243	Trespasser	18/11/2017 13:16	Level Crossing Deliberate Misuse
1618601	Male sat down on avoiding line	09/08/2017 12:53	Railway Crime
1493522	Bridge Strike Station Road 95m 30ch	10/11/2016 12:02	Bridge Strike
1333061	Drunk male on the line	22/10/2015 15:38	Miscellaneous
1329754	No crossing lights	14/10/2015 07:26	Level Crossing Failure
1312389	Ballast on rail head	28/08/2015 19:40	Railway Crime
1263010	User lights out	29/04/2015 06:59	Level Crossing Failure
1262661	Crossing lights out	28/04/2015 08:56	Level Crossing Failure
1223114	Warning lights for crossing out	18/01/2015 07:21	Level Crossing Failure
1196319	Red/Green lights failed	10/11/2014 15:43	Level Crossing Failure
1191629	Red/Green lights failed.	30/10/2014 13:00	Level Crossing Failure
1171694	PenFoot Crossing failure	12/09/2014 11:25	Level Crossing Failure
1155856	Body discovered lineside	01/08/2014 03:10	Fatality
1142190	Red/Green Crossing Lights Unlit	30/06/2014 15:11	Level Crossing Failure
1129176	Level crossing light failure	29/05/2014 10:03	Level Crossing Failure
1121011	Crossing indications failure	08/05/2014 12:00	Level Crossing Failure
1110789	Level crossing out of sequence	10/04/2014 07:28	Level Crossing Failure
1103342	Warning lights not working at crossing	20/03/2014 17:20	Level Crossing Failure
1086695	Defective crossing lights	06/02/2014 12:54	Level Crossing Failure
1069116	Two men and a woman reported on line	17/12/2013 22:30	Railway Crime
995636	1A74 Difficulty Cancelling AWS	11/06/2013 08:00	Irregular Working : TOC
932112	1A85 reports a loud bang	16/12/2012 15:13	Miscellaneous
701007	Near Miss	08/04/2011 16:28	Level Crossing Incident
515003	Trespass	29/12/2009 12:21	Railway Crime
168749	Distressed woman	23/07/2007 21:20	Miscellaneous

However, although some incidents / misuse goes down as reported there are also occasions of non-reported incidents which are caught on the permanent camera at the crossing, Images below:

Distance and Safety of the Alternative Route

Network Rail acknowledges the alternative route is not ideal given it's 1.3km length from Oldfield Road to Swallows Rise but given the reasons for Level Crossing safety and technology and the lack of alternative bridge being provided above, the alternative route shown below is the only alternative.

Network Rail supports any actions to improve safety on Station Road, this is however, an issue for Wiltshire County Council as the highway authority.

From:	Roberts, Ali
To:	Roberts, Ali
Cc:	[redacted]
Subject:	The Proposed Extinguishment of Penleigh Park Level Crossing, Footpath Westbury 15
Attachments:	3 Week Census Results Pen Park 211224-120125.xlsx
Sent:	26/06/2025 11:51:00

Highways Act 1980 S.118A
Transport and Works Act 1992
The Proposed Extinguishment of Penleigh Park Level Crossing, Footpath Westbury 15 (part)

Questions raised by Wiltshire Council, Strategic Specialist, Major Highways Projects Team, were forwarded to Network Rails response. Network Rail's responses can be seen in blue. The attached spreadsheet is the breakdown of the 3 week period discussed in the application between 21 December 2024 and 21 January 2025 (Network Rail notes that the spreadsheets dates are incorrect). Please scroll the full spreadsheet A-Z.

1. ***"Please can we be directed towards the guidance that underpins the assessment?***
   Please see the list of guidance and assessment use to assess and report on level crossings.
   XNG 001 Provision and Risk Management of Level Crossings
   XNG 002 Level Crossing Manager Competence Framework
   XNG 100 Level Crossing Asset Policy
   XNG 202 Prioritisation of Level Crossing Defects
   XNG 308 Risk Assessing Level Crossings
   XNG 309 Level Crossing Administration
   XNG 19608 Inspection of Level Crossing Systems
   XNG 30020 Level Crossing Design Handbook
   XNG 30020/A28 Signage for level crossings
   OHS 019 Safety of people at work on or near the line.
   TRK 4040 Level Crossing Surface Systems
   TRK 4041 Maintaining Track Assets at Level Crossings
   NR/L2/SIG/11201/ModX01 Signalling Design: Module X01 Level Crossings: General
   NR/L2/SIG/11201/ModX02 Signalling Design: Module X02 Level Crossings: Common Design Requirements
   NR/L2/SIG/11201/ModX10 Signalling Design: Module X10 Level Crossings: Automatic Half Barriers
   NR/L2/SIG/11201/ModX11 Signalling Design: Module X11 Level Crossings: Automatic Barrier Crossing Locally Monitored
   NR/L2/SIG/11201/ModX12 Signalling Design: Module X12 Level Crossings: Automatic Open Crossing Locally Monitored
   NR/L2/SIG/11201/ModX13 Signalling Design: Module X13 Level Crossings: Automatic Open Crossing Locally Monitored Plus Barriers
   NR/L2/SIG/11201/ModX14 Signalling Design: Module X14 Level Crossings: Open Crossing with Additional Flashing Lights
   NR/L2/SIG/11201/ModX15 Signalling Design: Module X15 Level Crossings: Automatic Full Barrier Crossing Locally Monitored
   NR/L2/SIG/11201/ModX20 Signalling Design: Module X20 Level Crossings: Manned Gated Crossings
   NR/L2/SIG/11201/ModX21 Level Crossings: Manually Controlled Barriers with Obstacle Detector
   NR/L2/SIG/11201/ModX22 Signalling Design: Module X22 Level Crossings: Manually Controlled Barriers
   NR/L2/SIG/11201/ModX23 Signalling Design: Module X23 Level Crossings: Manually Controlled Barriers with Closed Circuit Television
   NR/L2/SIG/11201/ModX24 Signalling Design: Module X24 Level Crossings: On Call Barriers
   NR/L2/SIG/11201/ModX25 Signalling Design: Module X25 Level Crossings: Wicket Gate Magnetic Locks
   NR/L2/SIG/11201/ModX30 Signalling Design: Module X30 Level Crossings: Traincrew Operated Gates
   NR/L2/SIG/11201/ModX31 Signalling Design: Module X31 Level Crossings: Traincrew Operated Barriers
   NR/L2/SIG/11201/MODX39 System Application Specification for Overlay Miniature Stop Light Level Crossings
   NR/L2/SIG/11201/ModX40 Signalling Design: Module X40 Level Crossings: Miniature Stop Lights
   NR/L2/SIG/11201/ModX41 Signalling Design: Module X41 Level Crossings: User Worked Barriers
   NR/L2/SIG/11201/ModX42 Signalling Design: Module X42 Level Crossings: Power Operated Gate Openers
   NR/L2/SIG/11201/ModX99 Signalling Design: Module X18 Level Crossings: History of Level Crossings

2. ***Walking speed – whilst being 'mandated' and used in other similar level crossing assessments, I cannot find the guidance that presents the speeds used; 1.006m/s and 1.189m/s. HA's use 1.2m to cover all users when determining crossing speeds at signals and NR use a lower speed than this and also add a further 50% crossing time to take account of vulnerable users. Further guidance and justification for the 50% addition should be sought, along with the speed guidance.***–

   Taken from ORR Level Crossings: A guide for Managers, designers, and operators –

   Method of operation

   160. The warning time should be greater than the time required by users to cross between the decision points at either end of a crossing. In assessing how quickly users will cross, take account of the mobility of likely users and the type of crossing surface.

   161. As a guide, a walking speed of 1.2 metres per second (m/s) may be used where the surface is level and close to rail level. In other cases, 1 m/s may be more appropriate. Increase the calculated time to cross to take account of foreseeable circumstances such as impaired mobility of users, numbers of pushchairs and bicycles or where there is a slope or step up from the decision point.

3. ***Rail Speed – we agree that the rail speed is limited to 100MPH in this locality, but it may be more pragmatic to understand the actual 85th%ile speeds of trains.*** –

   Line speed at the crossing is 100mph, trains travel at 100mph unless cautioned.

4. ***Visibility – the visibility given, appears to be limited to within the track and does not allow for increased visibility within NR land through vegetation removal. Please provide Justification for the of visibility measurement.***

   Visibility measured using measuring wheels and rangefinders. Vegetation clearance at this location would make minimal difference due to track curvature being the primary issue for non-compliant sighting

5. ***Vulnerable users – it would be helpful to have a copy of the survey results so that we can verify the statements made.***

   Details not kept due to data protection.

   It is noted in your application you have provided limited survey data for 3 weeks over the Christmas period, is this the only data you have regarding this crossing? You have stated in your application that the crossing now has a large number of vulnerable and encumbered users, do you have specific data on these numbers? You also state that there were 7 incidents of misuse during this period, please can you clarify what is meant by misuse? Please can you confirm if you will be supplying more comprehensive crossing use survey data?

   Previous last two risk assessments have had longer more detailed censuses carried out using CCTV equipment, using this type of equipment helps us recognise the different types of users using the crossing, during both census's a higher number than normal of the following types of users were captured:

   - Young children; unaccompanied or in groups
   - Elderly people
   - Dog walkers
   - Cyclists, e.g., where known not to dismount and considered 'at risk'.
   - People carrying heavy bags or large objects, with pushchairs etc.

   In terms of what is meant by misuse, its simply crossing users using the crossing incorrectly and in a way that would cause harm to themselves and possibly others. Examples of this which have been discovered at Penleigh Park LC are as follows:

   - Groups of children standing on the crossing whilst one observes and takes photos.
   - Adults carrying out the same as above.
   - Groups of Children loitering around the crossing, moving off the crossing and walking along the rails.
   - The crossing being used as an access for fly tipping.

   Lastly, yes camera censuses will continue to be carried out for the purpose of data collection.

6. ***Enhancements – Mitigations for the level crossing have been broadly dismissed however the author has not considered Power Opener Technology on Level Crossings as means to generate greater line protection."*** –

   Assuming this means having 'lockable' gates at the crossing, these have not been considered as it would not make any difference to risk other than increase because it has the ability to trap users within the railway's boundary whilst a train with the inability to stop quickly is approaching at 100mph.

For information the representations and objections received which can be viewed following the attached link P/2025/003 - Rights Of Way - Wiltshire Council

If you would like to make any observations regarding these comments, I would be very grateful if you could reply to me via email, no later than 10 July 2025.

Kind regards,

Ali

	21/12/2025	22/12/2025	23/12/2025	24/12/2025
Pedestrian	53	59	28	32
Dog on Lead	3	5	5	4
Dog not on Lead	0	0	0	0
Pedestrian with Child	1	8	4	1
Unaccompanied Child	2	4	5	2
Pedestrian with Headphones in	0	0	1	0
Pedestrian looking at phone or with Phone to ear	0	0	0	1
Cyclist	2	4	0	0
Pedestrian with Pushchair	0	2	0	1
HEAVILY Encumbered user	0	1	0	0
TOTAL PEDS	61	83	43	41

25/12/2025	26/12/2025	27/12/2025	28/12/2025	29/12/2025	30/12/2025	31/12/2025	01/01/2026
24	23	29	56	53	37	40	28
4	5	2	4	4	3	4	5
1	1	0	1	0	0	0	0
2	2	2	2	4	1	10	0
2	3	2	4	3	2	1	4
0	2	0	0	0	0	0	1
0	0	0	1	0	0	0	0
0	1	0	0	1	0	0	0
0	0	0	2	1	0	1	0
0	0	0	1	0	0	0	0
33	37	35	71	66	43	56	38

02/01/2026	03/01/2026	04/01/2026	05/01/2026	06/01/2026	07/01/2026	08/01/2026	09/01/2026
38	36	50	48	34	36	35	37
3	2	4	3	2	1	3	4
1	0	0	1	0	0	0	0
1	0	1	5	8	10	9	10
6	2	3	4	6	8	6	10
0	0	0	1	0	0	1	1
0	0	0	0	1	0	0	0
2	0	2	1	0	0	1	2
0	0	1	0	0	0	1	0
0	0	0	0	0	0	0	0
51	40	61	63	51	55	56	64

10/01/2026	11/01/2026	12/01/2026	Total	Average Daily
33	52	55	**916**	39.83
2	4	5	**81**	3.52
0	1	0	**6**	0.26
8	3	6	**98**	4.26
8	4	3	**94**	4.09
0	0	0	**7**	0.30
0	0	0	**3**	0.13
0	2	0	**18**	0.78
0	0	0	**9**	0.39
0	0	1	**3**	0.13
51	66	70	**1235**	53.70

Network Rail's reasons for extinguishment of the rail crossing at Penleigh Park Public Footpath Level Crossing, Westbury Footpath no.15

1. The use currently made of the existing path, including numbers and types of users, and whether there are significant seasonal variations.

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 yeah i.e. Christmas period when schools are closed and some work places are closed, so what this census has given us is more Insite 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).

2. The risk to the public of continuing to use the present crossing

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.

3. 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.

4. Consideration of potential 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.

(ii) *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

5. Barriers and/or signs that would need to be erected should the crossing 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.