

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: Racecourse Level Crossing  
Nearest station: Lingfield  
ELR & Mileage: HGG1 @ 26 miles 28 chains  
NGR: TQ395437  
Parish: Dormansland  
District: Tandridge  
County: Surrey

- (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: 381 (Lingfield) and 381 (Dormansland)

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

15 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 solid line 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.

Mr R Young	Lingfield Park Limited
Barrow Green Farm	Lingfield Park Racecourse
Haxted Road	Lingfield
Lingfield	Surrey
Surrey	RH7 6PQ
RH7 6DE	

- (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?

The Applicant is the owner of all relevant land.

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

Yes

There are wicket gates leading up to the level crossing surface from both sides.

Whilst not on the route of the public footpath, there are also steps leading to platform 2 at Lingfield Station.

## 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 dashed line on the attached plan. The length of the proposed diversion is approximately 360 metres. The width of the route will be 2 metres.

- (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?

The Applicant is the owner of all other land affected, as shown by the attached plan.

The Train Operating Company (TOC) has been asked to complete a written consent form, which will be forwarded to the Council in due course.

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

Yes.

- (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

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

Yes.

- (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);

Whilst the footpath is considered to be a leisure route only due to its location and the surrounding area its proximity to the station and platforms makes it likely that commuters use the level crossing to access platform 2.

Further, given the proximity to Lingfield Racecourse, it is known that visitors to the Racecourse use the level crossing when exiting the station, and upon return to gain access to platform 2.

As the level crossing leads onto surrounding fields the crossing deck may become muddy and slippery; a non-slip decking surface would not prevent this.

The level crossing is accessed via wicket gates with a set of steps leading to platform 2.

- 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 19<sup>th</sup> November 2009. On Network Rail's All Level Crossing Risk Model, which assigns a relative risk to each level crossing, the crossing scored a rating of C4, making it high risk (risk is ranked from A-M and 1-13, with A and 1 being the highest risk score).

The key risk drivers are:

- Proximity to station
- Large number of users
- Fast and frequent trains
- Sun glare

The line speed on all four lines over the crossing is 50 mph with 97 trains scheduled to pass over the crossing per day; this includes both passenger and freight services.

It is estimated that an average person would require approximately 8 seconds to safely pass over the crossing. An allowance of 50% additional crossing time would be added for use by vulnerable users (children, elderly, or encumbered users with dogs, bicycles, carrying bags etc.) who would require longer to safely pass over the crossing. Due to the presence of known vulnerable users an allowance of 12 seconds crossing time would be allocated at this crossing.

The sighting available at the level crossing provided insufficient warning time of an approaching train.

When crossing in both directions and looking towards Lingfield 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.

When looking away from the station; sighting is limited due to track curvature; this could not be improved.

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. There is also a risk that drivers will fail to sound their horn as required thus providing no warning of approach to users. Following the Temporary Closure the whistle boards were removed.

It is likely that the level crossing is used at night or during dark/dusk hours and 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 Lingfield 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.

Further, as the level crossing is on the Gatwick flight path it is possible that the ambient noise from airplanes will mask the sound of 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. Lingfield Station has both stopping and non-stopping services passing through it and it is known that trains are scheduled to pass one another to the south of Lingfield Station. This creates a situation whereby there is a high risk of a second train passing over the level crossing at the same time or immediately 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.

Given the timetabling of trains passing over the crossing it is extremely likely that a second train will pass over the crossing at the same time, or immediately after, the first train. This situation is known to lead users to take risks when passing over the crossing as they may otherwise be waiting for longer to cross over than anticipated. It is common for approaching/passing trains to block the view of another approaching train, with sighting obscured further when a train is stopped at the station.

In April 2011 whilst on site, the Route Level Crossing Manager witnessed a near miss involving two school girls; the girls crossed over the level crossing whilst a train was stopped at the station causing the second approaching train to apply the emergency brake. It was this incident that led Network Rail to close the level crossing through fear of danger to the public.

Further incidents of recorded misuse at this location are detailed in the attached Incident Log. As can be seen from the Log there are numerous reported incidents of persons crossing behind trains stopped at the station; it is probable that there are many more occurrences of this type of action which are not recorded.

The near miss detailed in the Incident Log on 10<sup>th</sup> February 2009 occurred in spite of cameras erected to deter such misuse. The photos below were taken from the footage and show that the pedestrian not only

had a hood up, but crossed only 6 seconds before the approaching train reached the level crossing.



In addition to the attached Incident Log, we have also received concerns from outside third parties in regards to the level crossing:

The following observation was received from the Southern (TOC) Head of Safety and Environment on 7<sup>th</sup> August 2008:

*“The 2 near misses we have had with school children have both occurred when the down train was running a couple of minutes late and overlapped with the up train approaching Lingfield country side of the station. In both cases, the approaching up train is obscured by the departing down train and, children being children, they do not pay attention when they cross the line directly behind the departing down train.”*

We also received the following email from Cllr. Michael Sydney on 15<sup>th</sup> March 2009:

*Dear Nuala, Guy and David,  
I met with senior managers from Southern Trains, Network Rail, and the Railway Inspectorate last week at Lingfield Station. Their concern is the safety of pedestrians, particularly young people and those at school, who use this crossing. The recent installation of a CCTV camera has highlighted the risks, as they demonstrated in a video. They are considering a number of possible ways to increase safety, many of which are capital sensitive. I suggested to them that an immediate step would be to organise presentations at the schools whose pupils are known to use this crossing. While we were at the crossing, and there were at least ten people, the majority in high viz jackets, present, half a dozen pupils crossed the railway without a glance left or right. To spare any blushes I will not identify the school!*

*The idea was accepted with enthusiasm, and I am copying this to Clive Robey, the Level Crossing Risk Control Coordinator at Network Rail, with the request that he contact you direct.*

*David, I know that your young people are always accompanied when out and about and probably don't use the crossing anyway. However you may feel that some of your younger support staff who are less familiar with the workings of the railway would benefit from a presentation.*

*I hope this meets with your approval.*

*Yours,*

*Michael*

*Cllr. Michael Sydney*

*Tandridge District Council -m Dormansland and Felcourt*

A further email from Southern's Head of Safety and Operational Services was also received on 5<sup>th</sup> October 2011:

*Hi Clive,*

*I can confirm that prior to the current closure Southern Railway undertook a risk assessment of the Lingfield crossing and the footpath routes in the platform and station areas, including public access.*

*Based on this assessment, which included a review of the number, type and risk level of the near miss events and crossing abuse it was clear that the crossing as it was posed a high risk to members of the public and to the train driver community.*

*This risk included the likelihood of persons being struck by a train and the likely fatality, the serious effects on train crew that result from such an event, including the loss of employment brought on by trauma and the effects on other connected with or witnessing an event.*

*The mitigations in place at the crossing including warnings, supported by on board announcements, vegetation clearance to maintain safe lines of sight, whistle boards and train warning signals were failing to prevent footpath users from being exposed to the high level of risk.*

*Peak use of the crossing and the condition of the users was also considered and it was not uncommon on race days for many users to be under the influence of alcohol and to act in ways that gave serious concern for their safety.*

*Since the crossing was closed and the alternative footpath routes made available there have been no reports of near miss events by train crew and the safety of the public has been significantly enhanced. The station operation has not reported any rise in passenger risk associated with the closure.*

*Regards.*

*Steve.*

*Steve Enright*

*Head of Safety and Operational Standards*

*Southern*

It is clear from these third party concerns that misuse at the level crossing is widespread and common in occurrence even when a highly visible presence is on site.

As mentioned above it is known that visitors to the Racecourse will use the level crossing to access the station and/or the racecourse both before and after their attendance; these users are considered to be 'irregular' and may not be familiar with the correct use of the level crossing (despite relevant signage being in place).

It has been known for users both accessing and leaving the racecourse to 'queue' over the level crossing whilst a train is stopped at the station. It is also common for race-goers to return intoxicated from the racecourse. This risk is unacceptable to Network Rail.

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; this would only serve to increase any risk at the level crossing.

It is Network Rail's view that the level crossing poses a risk of danger to the public and should be closed with users diverted to the 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 located approximately 156 metres to the north of the level crossing.

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.

Whilst Network Rail previously proposed an accessible solution via the installation of a footbridge with ramps, this was rejected by local residents. 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.

Whilst convenience to users will be impacted it is noted that this application is made on the grounds of public safety and the proposed diversion will maintain its current links to the land on both sides of the crossing and also maintains the existing links to the footpath network in the area.

It is Network Rail's view that as the proposed diversion route has been in use since 2011, residents and users of the footpath have become accustomed to the route and thus any immediate inconvenience has already been experienced and the proposed diversion is now the 'normal' route taken by users.

- 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;

The footpath will be diverted to the existing station footbridge situated approximately 156 metres to the north of the existing level crossing.

It would not be possible to install a visual/audible warning system at this location due to the proximity to Lingfield Station. Due to the triggering systems used by these warning systems they would be at red with the alarm sounding for a considerable amount of time; this would result in users ignoring the system and crossing at risk. It is also likely that noise complaints would be received due to the length of time any audible warning would be sounding. Installation of this system would also leave the level crossing in situ and thus the risk would still be present with the likelihood of an incident occurring.

It would also not be possible to install locking gates at the crossing due to the risk of users becoming trapped on the railway line upon a train approaching. Interlocking gates are only possible at crossings which are manned or monitored by CCTV.

A different form of barriers would also not be possible at this location, as they would need to be interlocked with the signalling and would also pose the same issues as interlocking gates above.

Whilst a stepped footbridge closer to the existing location of the level crossing is possible, it is felt that as users have been using the proposed diversion since July 2011 installation of a footbridge closer to the level crossing would not be a good use of public funds. Further, it is likely that a footbridge closer to the level crossing would raise concerns for the residents of Station Road in regards to privacy. It would also have a negative impact on the general visual amenity of the area and the station itself.

There are also concerns that an additional footbridge at the station may encourage anti-social behaviour in that it would provide a second area for youths to congregate at the station; this could potentially cause problems for local residents, users of the public footpath, commuters and station staff.

Whilst a stepped footbridge at the existing location of the level crossing is possible Network Rail do not own the land required for the erection of

the footbridge. Whilst the landowner to the east of the crossing has been receptive to the sale of this land, we have been unable to obtain a response from the third party landowner to the west. We are therefore unable to pursue this option further.

Additionally, a footbridge at this location would require full planning permission, which would increase costs and timescales for Network Rail. It is also likely that any planning application would be heavily objected to by local residents.

Vegetation management has been undertaken, and is maintained to ensure the required sighting distances remain; no other improvements could be made to available sighting.

We are unable to erect any further signage at the level crossing; the signage present is as required and has been confirmed as such by the ORR. It is also felt that the provision of extra signage would be of little benefit as the view is that too many signs would not be read or may lead to confusion. Further, given the level of misuse at the crossing additional signage would not prevent this; thus the entirety of the risk would still remain.

Further education by way of school visits has taken place, as have on board train announcements; but again these do not reduce the level of risk at the crossing or prevent misuse.

No other works can be undertaken to improve safety of the level crossing and the only option to Network Rail to remove the risk this level crossing poses is via closure.

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

Installation of a visual and audible warning system would likely cost in excess of £1 million; it is possible that signalling infrastructure would need to be amended due to the crossing's proximity to the station and thus costs could far exceed £1 million.

Interlocking gates with CCTV/barriers would cost in excess of £500,000 and would leave the risk at the crossing. If a crossing keeper were required this would cost in the region of £165,000 per annum.

A stepped footbridge closer to the level crossing would cost a minimum of £600,000.

A stepped footbridge at the existing location of the level crossing would similarly cost in the region of £600,000; we are unable to quantify how much the required third party land would cost to purchase. Costs would also be increased given the necessary planning application, and legal

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fees in relation to the purchase of land. This scheme could therefore easily require funding over £1 million.

- 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 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 and will enjoy free flowing passage over the railway line.

Drivers will also no longer have to sound their horns upon approach to the level crossing, thus improving the amenity of the area and removing any noise nuisance.

### **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

Sutton & East Surrey Water  
London Road  
Redhill  
Surrey

RH1 1LJ

- (d) Sewerage undertaker (if different)

Thames Water Utilities Ltd  
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 line. The route of the proposed diversion is shown in a dashed line. The route of any unaffected public footpaths is shown in a dotted line.

#### 5. OTHER INFORMATION

Give any other information you consider relevant.

Network Rail is aware that it is the local residents desire to obtain lifts at the station to make Lingfield Station fully accessible to all. The installation of a new footbridge with steps and lifts would cost in the region of £1.9 million; if a new power supply was required, this would add an additional £0.1 million to the cost.

As has been discussed with Surrey County Council funding of this level is not available to Network Rail. Approaches were made to the Department for Transport Access for All Scheme for additional funding to enable installation of lifts; however this was refused due to the low footfall at Lingfield Station.

Network Rail have made it clear that the funding under 'Access for All' is outside of their control and as such are unable to state whether funding for lifts at the station will ever be available. Network Rail are also unable to 'bid' for any funding from the Access for All Scheme and any such bidding would need to be undertaken by the local council; Network Rail would support any such application made by Tandridge Council.

The only affordable fully accessible solution at this location is a footbridge with ramps; this proposal was rejected by local residents and Network Rail withdrew these plans in January 2014.

The number of trains passing over this level crossing cannot be decreased, and in fact is likely to increase in the future in line with government policy.

The only realistic option available to Network Rail in order to remove the risk of this level crossing at this location is via closure and diversion to the station footbridge as proposed.

## **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          Network Rail  
Address                Floor 2 Suite 1A  
                              Waterloo Station  
                              London  
                              SE1 8SW

Position held         Liability Negotiations Adviser  
Date                    3<sup>rd</sup> November 2016