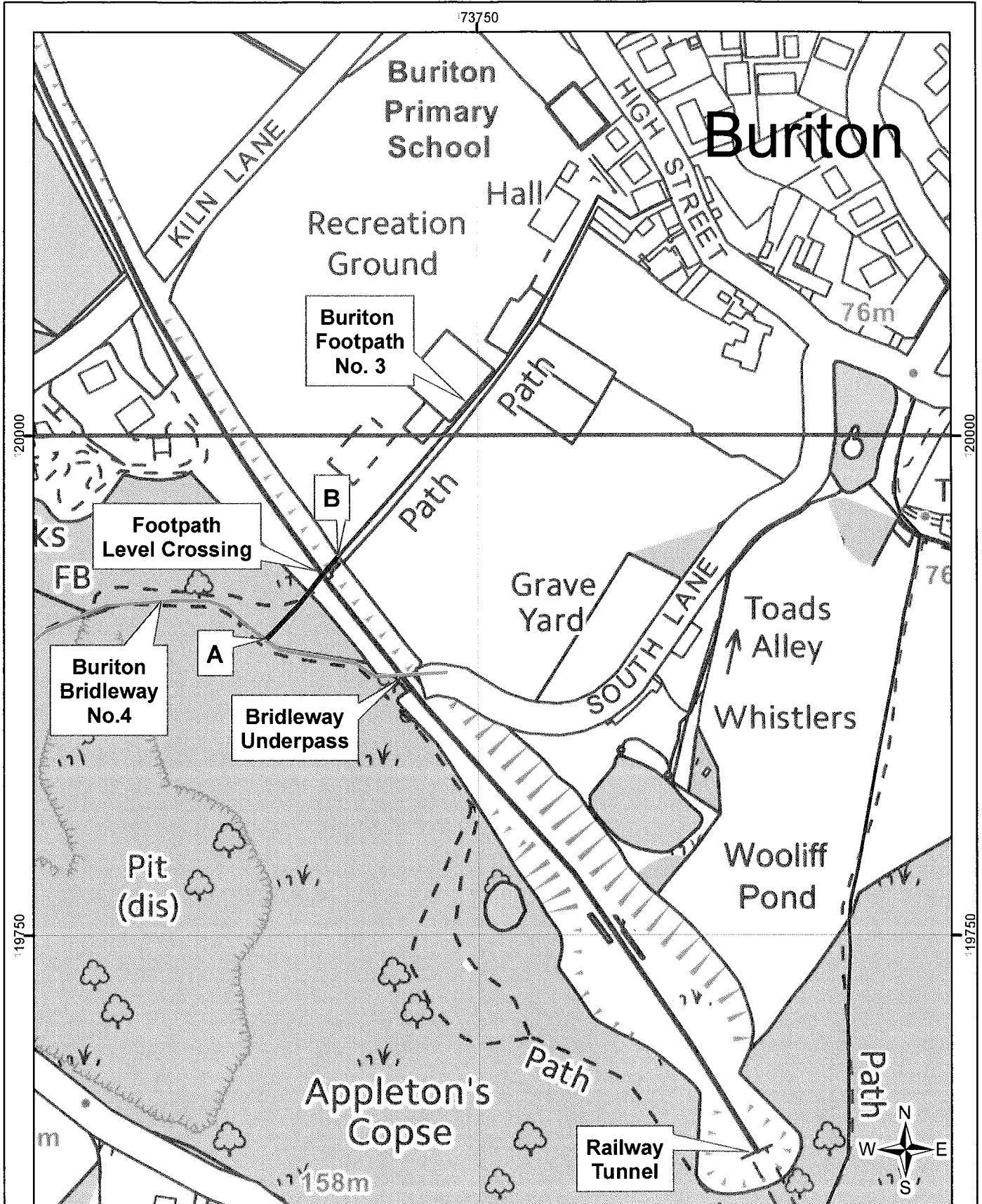



APPENDIX 1

**Plan of proposed extinguishment of part of Buriton
Footpath No.3**






 **Hampshire**
County Council

SCALE 1:2,500
DRAWN ES
DATE 26.01.2015

BURITON

**Application to extinguish
part of Footpath No.3 (level crossing)**

 Footpath to be extinguished
 Public Footpath
 Public Bridleway

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. HCC 100019180 2014

Countryside Access Team
Culture, Communities & Business Services
Castle Avenue
Winchester
SO23 8UL

APPENDIX 2

Network Rail application form and associated documents



Hampshire
County Council

Extinguishment of Public Rights of Way – Rail Crossings Footpaths, Bridleways and Restricted Byways

Highways Act 1980 (as amended)

Transport & Works Act 1992

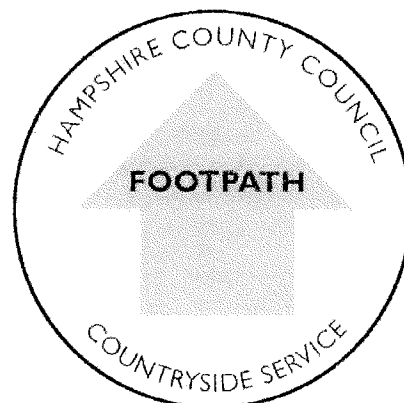
All parts of the enclosed form (Pages 3-6 of this document) should be completed.

If you do not have all the information required, or do not fully understand all the issues involved, please ask a Rights of Way Officer to assist.

Countryside Access Team

Countryside Service
Hampshire County Council
Castle Avenue
Winchester
SO23 8UL

Tel: 01962 832352



Hampshire County Council fully complies with the Data Protection Act 1998.

The information you enter on this form will become part of the permanent records we keep on Rights of Way in Hampshire.

This does not affect your rights as a data subject.

Notes for Guidance of Applicants

Please note that your application is to the County Council to make a ***Rail Crossing Extinguishment Order***

The decision whether or not to make a Rail Crossing Extinguishment Order is made by our Regulatory Committee.

The administrative process leading up to the confirmation and implementation of an Extinguishment Order is outlined on Page 7 of this document.

If objections are received during the advertisement period, it is possible that they will be considered to be well-founded and the result may be that the Order is not confirmed and your proposal for extinguishment cannot then take place.

The length of time taken to process an application to confirmation stage can be in excess of ***twelve months*** and, in some cases (if the matter is submitted to the Secretary of State, who may call a public inquiry or hearing), it could take considerably longer.

The fees payable by applicants for a Rail Crossing Extinguishment Order are outlined on Page 8 of this document. We will issue invoices at appropriate stages for work done by Officers and for reimbursement of costs incurred during the processing of your application and we will require payment before we can then move on to the next stage in the process.

Please return this form to:

Esther Smeardon, Countryside Access Development Officer, Countryside Access Team,
Hampshire County Council, Castle Avenue, Winchester, Hampshire, SO23 8UL

You should retain a full copy of your completed application form for your records.

HIGHWAYS ACT 1980
TRANSPORT & WORKS ACT 1992

**APPLICATION FOR A RAIL CROSSING EXTINGUISHMENT ORDER TO BE
MADE UNDER SECTION 118A OF THE HIGHWAYS ACT 1980 (INSERTED BY
THE TRANSPORT & WORKS ACT 1992)**

Name of Applicant: Camilla Bushill

On behalf of Network Rail Infrastructure Limited
(railway operator):

Position Held: Scheme Project Manager

Address: Downside Goods Yard, Off Guildford Road, Woking, Surrey
GU22 7QE

Telephone: 07739 778 589 **Tel (mob):**

E-mail: camilla.bushill@networkrail.co.uk

**We hereby apply for the extinguishment of the footpath/~~bridleway/restricted byway~~
known as Buriton Footpath number 3 under Section 118A of the Highways Act 1980, as
shown on the attached plan.**

We;

- a) hereby undertake to defray any compensation which becomes payable in consequence of the coming into operation of the Order.
- b) agree, pursuant to s.118a(5) of the Highways Act 1980, to defray any expenses which may be incurred by the County Council in connection with the erection and maintenance of barriers and signs.
- c) undertake with Hampshire County Council to meet in full the requirements of any Statutory Undertaker in respect of any apparatus which may be over, in or under the right of way in respect of which this application is made.
- d) understand that the consent of the Statutory Undertakers (e.g. Gas, Water, Electricity, Telecommunications, The Post Office and the Civil Aviation Authority) is required before the Order can be confirmed by the County Council and that their consent may be conditional on my/our carrying out works to protect the Statutory Undertakers apparatus.
- e) have read and understand this application form and make my application acknowledging the conditions specified therein.**
- f) agree to reimburse the administration charges incurred by the County Council in the processing of this application, together with the full cost of advertising notices in the local press. Page 8 details charges for the current financial year.**

This application will become part of the records we keep on Rights of Way in Hampshire and may be made available for inspection by members of the public.

Signature of Applicant **Date**

1. Rail crossing to be extinguished

- a) Name and location of rail crossing, including OS grid reference.

Buriton footpath level crossing SU737199

- b) Parish and number of affected public right of way, including OS grid reference.

Parish: Buriton Path No: 3

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

25 metres

General description of path or way to be extinguished by reference to terminal points

- d) shown on an attached plan at a scale of not less than 1:2500.

The line coloured red on the attached plan 1 between points A and B.

Name and address of the owners, lessees and occupiers of the land on either side of any path or way to be extinguished, extent of ownership to be referenced on attached plan.

Landowner: The railway and surrounding land is owned by the applicant. The extent of the applicants' ownership is coloured in green on the attached plan.

- 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 / NO / NOT NEEDED (*delete as appropriate)

These consents must accompany this application, on the form provided.

- g) Give reasons for the proposed extinguishment of the rail crossing (use a separate sheet if necessary. Include information about;

- i) the use currently made of the existing path, including numbers and types of users, and whether there are any significant seasonal variations, giving the source for this information (any circumstances preventing or inhibiting such use must also be mentioned);

Footpath number 3 starts on the high street and then runs down the side of the local primary school and into a recreation ground immediately before the gates to the railway. The recreation ground is in constant use which means there are a lot of children in the vicinity, a significant number of whom are unsupervised. Buriton Parish Council is currently working on an expansion plan for the recreation ground, which will undoubtedly draw more children of all ages to the recreation ground. The play area for younger children is also being considered for a move nearer to the railway, which will undoubtedly create a higher risk.

On the opposite side of the railway stand the chalk pits which have been opened within the last 3 years and are advertised to encourage more people to visit. This has caused an increase to the use of the level crossing despite there being an adequate safe alternative access down South Lane and Bridleway No 4.

There are 132 trains passing over the crossing per day.

The path is only suitable for able bodied walkers due to the presence of steep steps from the recreation ground leading to the level crossing, the approach to the crossing, which is uphill, and the general lay of the land in the immediate surrounding area. Network Rail

has recognised within the risk assessment that there are vulnerable users, including children, the elderly and the mobility impaired.

A census was carried out in October 2013. The results showed that the crossing is used from between 6 to 40 pedestrians per day, including unaccompanied children. Footfall at footpath crossings generally increases dramatically during the spring and summer months. It is therefore predicted that these numbers could increase.

- 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 18 June 2013. On Network Rail's All Level Crossing Risk Model (ALCRM), which assigns a relative risk to each level crossing, the crossing scored a rating of C4. This comprises a high individual risk.

The key risk drivers are:

- Barely compliant sighting of approaching trains due to the tunnel entrance
- Insufficient sighting due to track curvature
- Fast and frequent trains
- Deliberate and accidental misuse
- Sun glare / Fog

The line speed is 85 mph in both directions. At line speed, the sighting of approaching trains in the up direction at this level crossing is deficient from the decision point. This is due to track curvature. The sighting in the down direction is compliant to Network Rail standards, albeit by just 3m. Buriton tunnel restricts further sighting. Accordingly, whistle boards are positioned upon approach on both lines to warn the users of an approaching train. Drivers are instructed not to sound horns during the quiet period. The night time quiet period refers to a blanket ban on the sounding of train horns during the night, between 2300 to 0700 hours, unless a person is seen at the level crossing. This means that, should the driver not use the horn, the protection provided by the whistle boards is reduced during this time and the location of the approaching train is purely by sight. As a result, there is an increased risk to the crossing user during these hours. Census information gathered shows early morning usage, particularly dog users, accessing the crossing before 7am. Additionally, the use of whistle boards has led to continuous stream of complaints of noise nuisance from local residents over a number of years.

Vegetation management is regularly undertaken to maintain current sighting distances.

There have been a number of reported incidents of misuse at the crossing including:

- A near miss with 3 children playing 'chicken' on the crossing
- A child lying on the crossing causing the driver of a train to emergency brake and come to a standstill. The driver was incredibly shaken and unable to continue
- Numerous instances of adults and children trespassing (where people use the crossing to access the track), including the British Transport Police making arrests and individuals entering the tunnel.
- Children throwing stones at trains.

Unreported incidents include:

- Children putting traffic cones on the track
- A pet being killed and a child running down the track to retrieve it
- Individuals sitting down on the crossing to have their photographs taken
- An adult and child picnicking on the steps leading to the crossing.

iii) the effect of the loss of the crossing on users, in particular whether there are 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;

There is no material loss of amenity value to users of the public footpath by the proposed extinguishment. Given the location of the level crossing it is considered that the alternative route using the under bridge on South Lane is fundamentally safer, as the operational railway will no longer need to be crossed. It will be more family friendly and, in fact, should promote more use of the walking route and amenities in this area. The route to South Lane passes village amenities rather than going through the recreation ground and the under bridge is approximately 70 metres from Buriton level crossing as the crow flies. From the entrance of the recreation ground on Buriton High Street it is approximately 430 metres to the under bridge on South Lane, whereas it is approximately 270 metres to Buriton footpath crossing.

The popular Shipwrights Way, advertised by Hampshire County Council does not pass over the foot crossing and is promoted via a nearby underpass, which also accommodates Bridleway No 4. As it is not possible to legally divert rights of way onto existing rights of way, this has necessitated an extinguishment application under s118A. In reality users of the footpath would simply move over to using the under bridge and the safety risks would be eliminated completely. Pedestrians would no longer be at risk from sighting deficiencies and fast trains whilst crossing the operational railway.

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;

v) the estimated cost of any practicable measures identified under iv) above;

Several options have been investigated and costed by Network Rail. Their suitability is discussed below.

Due to the available space and land boundaries a ramped footbridge is not considered possible. The structure would be in the vicinity of 0.5km long and would encroach on several land boundaries, necessitating substantial land purchase. A ramped structure would not be in-keeping with the area. A ramped bridge would cost in the region of £1,500,000 - £2,500,000 excluding any land purchase.

Due to the topography of the land and land boundaries it is not considered that a stepped footbridge could be provided at the site of the level crossing. Land purchase would be required to facilitate footings and the structure would be excessively large due to the steep embankments. A stepped footbridge would cost in the region of £450,000 - £800,000.

Network Rail is a public sector organisation. Our stated purpose has been to deliver outstanding value for rail users and taxpayers by creating a better railway for a better Britain. The Office of Rail Regulation exists largely to help hold us to account for delivery of our commitments. The company is accountable to Parliament for its finances and its activities. For this reason, Network Rail has to account for every penny spent and justify the cost of any option pursued. Network Rail only has limited funds to implement safety

improvements and the construction of a ramped footbridge or a stepped footbridge at Buriton given the vicinity of the nearby underbridge on South Lane could not be justified as well as being unfeasible.

Due to the lay of the land, possibility of anti social behaviour, light pollution from illumination and flooding risks a subway cannot be provided. Subways cost between £1,500,000-£4,000,000.

Miniature Stop Lights (MSL) may be feasible but they do not fully control the risk. There is a reliance on users obeying the lights and signage and experience at other crossings indicate that we cannot be confident users will obey these safety indications.

Furthermore, research carried out by the RSSB (Rail Safety and Standards Board) shows that when normalised by number of crossings, more incidents of misuse occur at crossings with MSL than other types (Footpath, User Worked Crossings and Occupational Crossings).

Consequently the low risk reduction and high cost of MSL (£400,000 - £700,000) do not justify the safety and business benefit in implementing this option.

Reducing the line speed by a permanent speed restriction (PSR) – The expectation of Government funding in Network Rail is that line speeds should increase, to reduce passenger journey times. They should not be permanently reduced on main line routes

A new footpath creation was investigated across privately owned land linking the underbridge in South Lane to the recreation ground. Unfortunately the landowner involved would not consent to a right of way being granted over their land despite being offered consideration. This is therefore not possible.

A new footpath was investigated on Network Rail land. Unfortunately this is not possible due to advice from railway engineers about potential interference to the embankment. This is particularly relevant given the history of embankment slides in the Petersfield area. Embankment slides cost millions of pounds and cause severe disruption to train services as well as being incredibly dangerous. In the event that a footpath was built along the embankment (whether by cutting away at the embankment or building up on it) it would require sheet piling. This is approximately 4 metres high and is not aesthetically pleasing, particularly in rural locations. Preliminary investigations by railway engineers indicated that given the height of the embankment at Buriton the cost of the sheet piling would be in the region of £250,000+ per 100 metres. The cost of the actual footpath construction, associated works to make the path fit for purpose, labour costs and earth removal costs would not be included in this figure. Removing tonnes of earth from site would also prove problematic as this would be done by road and Buriton is a small village with narrow lanes and single access traffic calming measures. Enjoyment of the recreation ground would be impacted and lorries would be on site throughout the duration of the works.

A diversionary route along Kiln Lane was investigated but it was thought by all parties that the route would be too dangerous for pedestrians given the traffic and the absence of a pavement through the narrow bridge.

Network Rail consider that the only appropriate measure in order to mitigate the safety risks at Buriton level crossing is to apply for an extinguishment under s118A. Extinguishments are not normal practice on the Wessex route and are considered a last resort after all other options have been exhausted.

- 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.

Upon any confirmation of a Rail Crossing Extinguishment Order, the existing level crossing furniture, signs and the kissing gates will be removed. The Network Rail boundary will be securely fenced off in order to prevent unauthorised access and trespass onto the railway.

New signs will be provided to notify users of the alternative route. These could be permanent or temporary in nature and Network Rail would expect the requirement for them to be stated in the Rail Crossing Extinguishment Order.

The removal of the crossing, if the extinguishment were successful, would also result in removal of the whistle boards. Trains will no longer be required to sound their horns. Not only will this improve the amenity of the area but it will be a direct benefit to nearby residents, who have previously commented on the disturbance that this critical safety measure has caused.

Please refer to Appendix A.

2. Names and addresses of public utility undertakers in the area.

- | | |
|--|---|
| a) Public gas supplier: | Scottish Power, Corporate Office, 1 Atlantic Quay, Robertson Street, Glasgow, G2 8SP
British Gas, Millstream, Maidenhead Road, Windsor, Berkshire, SL4 5GD |
| b) Public electricity supplier: | Scottish Power, Corporate Office, 1 Atlantic Quay, Robertson Street, Glasgow, G2 8SP
Southern Electric Gas Limited, 55 Vastern Road, Reading, Berkshire, RG1 8BU |
| c) Water undertaker: | South East Water, Rocfort Road, Snodland, Kent, ME6 5AH |
| d) Sewerage undertaker (if different): | Southern Water, Southern House, Yeoman Road, Worthing BN13 3NZ |
| e) Public telecommunications operator: | BT Open Reach, National Notice Handling Centre, PP 3WW18, Telecom House, Trinity Street, Hanley, Stoke on Trent ST1 5ND
BSkyB Group plc, Grant Way, Isleworth, Middlesex, TW7 5QD
Talk Talk, 11 Evesham Street, London, W11 4AR
Virgin Media
Tel: 0800 561 0061 |
| f) Others (please specify): | N/A |

3. Maps and plans.

Please list all maps and plans accompanying this application, giving details of their scale and content. In addition to the map mentioned under 1.d) above, 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 affected rail crossing, the paths or ways to be extinguished, and any connecting public rights of way in the general network.

Plan 1 shows a map of scale 1:2500 indicating the proposed extinguishment. The alternative underbridge crossing on South Lane is indicated by a red circle.

Plan 2 shows a map of scale 1:25000. The affected rail crossing is shown by a red arrow, the path to be extinguished is shown by a solid red line and the surrounding unaffected public rights of way are shown by green dashed lines.

4. Other information.

Please give any other information you consider to be relevant, including details of any local consultation that has already been carried out by you.

Network Rail has consulted with local residents and community/user groups, including:

- Buriton Parish Council
- Petersfield Ramblers
- The Ramblers Association
- SOS Group
- Local Business Owners
- Buriton Parish Council Rights of Way Committee

Extensive negotiations were also undertaken in order to provide a diversion on Network Rail land or on private land. Unfortunately neither of the options was feasible for the aforementioned reasons.

Network Rail has written an article which was printed in the Petersfield Post and the Buriton Parish Council magazine. This is attached as Appendix B.

Declaration

We understand that no authority for 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.

We request that a Rail Crossing Extinguishment order be made to stop up the crossing and any path or way described in Section 1 above.

We declare that, to the best of our knowledge and belief, the factual information included in this form is correct.

Signature of Applicant: _____ **Date:** _____

Please return only pages 3 to 6 of this form to:

Esther Smeardon, Countryside Access Development Officer, Countryside Access Team,
Hampshire County Council, Castle Avenue, Winchester, Hampshire, SO23 8UL

You should retain a full copy of your completed application form for your records.

Procedures

The basic stages in processing an Application for Extinguishment are as follows:-

1. Receipt of an informal request, preferably in writing, by the Countryside Access Team for the extinguishment of a specific footpath or bridleway.
2. Informal discussions between the Applicant and the Countryside Access Development Officer, including if necessary a free site visit lasting up to two hours.
3. If the Countryside Access Development Officer believes that the proposal falls within the scope of the appropriate legislation, the Applicant will be provided with a copy of the Application Form and an extract of the Ordnance Survey large scale plan.
4. The Applicant is advised to informally consult with interested parties (normally the Parish Council and relevant special interest groups) in order to involve them in the proposed extinguishment at an early stage and ideally before the Application Form is submitted to the County Council.
5. The applicant submits the application form to the Countryside Access Team, agreeing to reimburse all legitimate costs incurred by the County Council in processing this application.
6. The County Council will now formally consult with special interest groups, local councils and local residents to establish their views on the proposal. The Countryside Access Development Officer will discuss with the Applicant any significant comments that may result from this process.
7. The Countryside Access Development Officer will prepare and submit a formal report on the proposal for consideration by the Regulatory Committee (consisting of elected Members of the County Council), who will decide whether or not a Rail Crossing Extinguishment Order should be made. Members may make a site visit if they consider that it would assist them in making their decision.
8. If the Regulatory Committee endorses the application for extinguishment, the Order is then made, and a notice to this effect is displayed on site for a period of four weeks and advertised in the local press, during which time formal objections could be made.
9. If no objections are received the Order may be confirmed by the Council at this stage.
10. If objections are received to the making of the Order, the County Council may undertake further negotiations in an attempt to resolve the situation.
11. If the County Council considers that the objections are well founded, it may decline to proceed with the proposed extinguishment.
12. If the County Council considers that the proposal still has merit, despite sustained objections, the Order may be submitted to the Secretary of State. This could result in the matter being taken to a Public Hearing or Inquiry for determination by an Inspector.
13. The Secretary of State will decide whether or not to confirm the Order. (Note that the Secretary of State, or an Inspector appointed by him, may decide not to confirm the Order at this stage).
14. Once the Order has been confirmed, a further notice is displayed on site for a period of six weeks and advertised in the local press, during which time an application could be made to the High Court for Judicial Review of the decision.
15. If no such application is made the Order comes into effect and the existing route can be closed.

Fees payable by Applicants

The County Council is entitled to charge a fee for the administrative work involved in dealing with an application, in accordance with The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993 (http://www.opsi.gov.uk/si/si1993/Uksi_19930407_en_1.htm), as amended by The Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 (http://www.opsi.gov.uk/si/si1996/Uksi_19961978_en_1.htm).

You will also be required to reimburse the cost of inserting two notices in the local press at cost. These fees may be reviewed annually and you will be required to confirm your acceptance of the charges currently in force at the time your application is taken up from the waiting list.

You will be invoiced for the administrative costs, in accordance with the published schedule, at appropriate points in the procedure - payment is due 30 days from invoice date.

Charges for processing an application under the Highways Act 1980 - 2014/15

- | | |
|---|-----------|
| 1) Initial advice and site visit of up to 2 hours | No charge |
| 2) Cost of recording application and preparing plans | £400.00 |
| 3) Multiple Routes | |
| If your application includes more than one section of contiguous highway, the fee for <i>each</i> additional route included in the same Order is: | |
| 4) Statutory Consultation with Councils and User Groups | £250.00 |
| 5) Preparation and submission of a Report to HCC Regulatory Committee, leading to determination of the application | £500.00 |

In certain circumstances the Regulatory Committee may wish to inspect the site of the intended extinguishment - for example if there is local opposition to the proposal – and this is likely to incur an **additional charge of up to £600**. You will be notified before this takes place and you will be asked to give permission for the visit.

- | | |
|--|---------|
| 6) Making the Order and posting of Notices on site | £500.00 |
| If an Order is made, but objections are received and sustained, and the County Council subsequently withdraws its support for the application, the above charges will still apply. | |
| (Please note - this charge will apply even if the Secretary of State does not confirm the Order) | |
| 7) Confirming the Order and posting of Notices on site | £350 |
| 8) Post-Order Administration | £400 |
| 9) Advertising the making of an Order, and subsequent confirmation of the Order | At Cost |

These may total **£500 or more**

Example (for a single section of highway)

Application received and processed, prior to consultation	£400.00
Application withdrawn following consultation	£650.00
Application withdrawn following determination by HCC Regulatory Committee, or refusal by Hampshire County Council to make an order	£1,150.00
Order for Extinguishment made by Hampshire County Council	£2,400.00 (+ads)

Appendix A – Justification & Other Information

1. Background

With the support of the Office of Rail Regulation, Network Rail are running an investment programme to improve safety and reduce the risk wherever the public highway or footpath meets the railway across the railway network.

Part of the campaign is to seek the opportunity to completely remove the risk to members of the public from coming into contact with high speed trains through the closure or diversion of level crossings, especially where a safer alternative route exists. Footpath crossings are also the focus of our recent TV advertising campaign, 'See Track - Think Train'.

In conjunction with Hants County Council this particular footpath crossing has been identified as being such a location as the railway can be traversed by the public using South Lane and the bridge under the line situated approximately 150 metres to the south as shown on plan 1. In Network Rail's view this makes the footpath proposed for extinguishment as being un-necessary, particularly given the safety factors associated with Buriton level crossing. The application is being submitted on this basis with the knowledge that an alternative means of access remains

Apart from Network Rail's own standards, guidance for Level Crossings is provided by the Office of Rail Regulation in the form of a booklet called 'Level Crossings: A guide for managers, designers and operators – Railway Safety Publication 7 – December 2011'. In its introduction on Page 3 the ORR state within their policy on level crossings that ".....Risk control should, where practicable, be achieved through the elimination of level crossings.....".

Level crossings are generally only safe when they are used correctly, incorrect use can be intentional or accidental, but can both result in serious consequences for the user and passengers. Accidental misuse can be caused by a lack of awareness such as in children or young people, or time taken to cross which is increased for those who are mobility impaired or encumbered such as elderly people.

We have analysed the data relating to incidents across all our level crossings nationally, and established that of those involving members of the public, 97% occur because of their personal behaviour and attitude towards level crossings. We are not realistically in a position to educate safe use with each and every member of the public who could potentially use a public footpath crossing.

Other areas of risk lie where pedestrians are travelling in groups as they are easily distracted, carrying bags or other objects may also divert their concentration. There is now more evidence suggesting that many users wear earphones connected to electronic devices and cannot hear approaching trains. Coupled with the type of clothing now frequently worn, i.e. hoodies; there is a large element of pedestrians who do not see or hear approaching trains.

Network Rail is committed to improving level crossing safety but is ultimately unable to control how individuals use level crossings. This is what drives our policy to close as many level crossings as possible.

2. The Crossing and its use

The last Network Rail Risk Assessment was undertaken during 2013 and that visit recorded a risk score of C4. This comprises a high individual risk.

A census carried out in October 2013 showed the crossing was used by between 6 and 40 pedestrians per day. This included unaccompanied children.

Network Rail do not believe that the permanent loss of this crossing would in any way impact on potential users of it as the alternative access under the railway bridge along South Lane links the land on both sides of the railway as well as connecting with the existing footpath network.

3. Risk Assessment

Network Rail uses a complex quantitative process to assess all risks at all its level crossings. These risk assessments help in the decision making process, where to pursue closure or where to invest in additional safety measures if closure cannot be achieved, such as on a public road or where there are no suitable alternatives available. This risk assessment process was independently reviewed for accuracy before it was introduced in 2007 and it has been audited internally and by the ORR since.

The risk assessment process considers amongst other things the type of crossing, how many people use it, available sighting for users, whether there are vulnerable and or infrequent users, the frequency and speed, and different speeds of train services. The resulting risk score provides a normalised figure for risk and consists of a letter and a number.

- The letter represents the level of risk of a fatality to an individual crossing user, where A is the highest risk and M is the lowest risk
- The number represents the collective level of risk that may include, for example, train crew and or passengers, as well as those using the crossing

The highest risk crossings are those which score A, B or C for individual risk and 1, 2 or 3 for collective risk. In the Network Rail Wessex Route there are 15 crossings in the C4 category out of a total population of 345 crossings.

4. Summary

Network Rail believes that it would be preferable for users if the railway crossing could be extinguished to eliminate the risk associated with crossing this high speed railway line that would otherwise solely relying upon the individual user having to look and listen for approaching trains.

Network Rail believes that closure of the crossing through extinguishment would be the safest option whilst retaining alternative

public access to the country side via the nearby South Lane road under the rail bridge.

The Council advised that informal consultation should take place with the local community to seek their views on the proposal and this has been undertaken.

Why we want to close Buriton level crossing

Level crossings are Network Rail's single biggest risk, both to the railway and the public. For that reason, we have closed more than 800 level crossings in the past five years – more than 10 per cent of the total number.

My job is to work with our neighbours, local authorities and crossing users to reduce the number of crossings on the railway, either through diversions, or putting up bridges or underpasses.

As part of that process, Network Rail has applied to Hampshire County Council to close Buriton footpath crossing, near Petersfield, on the grounds of safety.

But why Buriton?

Buriton is a high-risk crossing, with a history of both deliberate and accidental misuse. In addition, it is close to a recreation ground with a children's play area.

Example of incidents at the crossing include: a near miss with 3 children playing 'chicken' on the crossing, a child lying on the crossing, several instances of trespassing (where people use the crossing to access the track) children walking towards Buriton tunnel from the crossing itself and children throwing stones at trains.

We did look at several alternatives to closure before applying to the council including diversions and a footbridge. However, the two potential diversions were found to be unfeasible and the lie of the land at the foot crossing - including high embankments - and a lack of space for construction meant that the footbridge option was not possible.

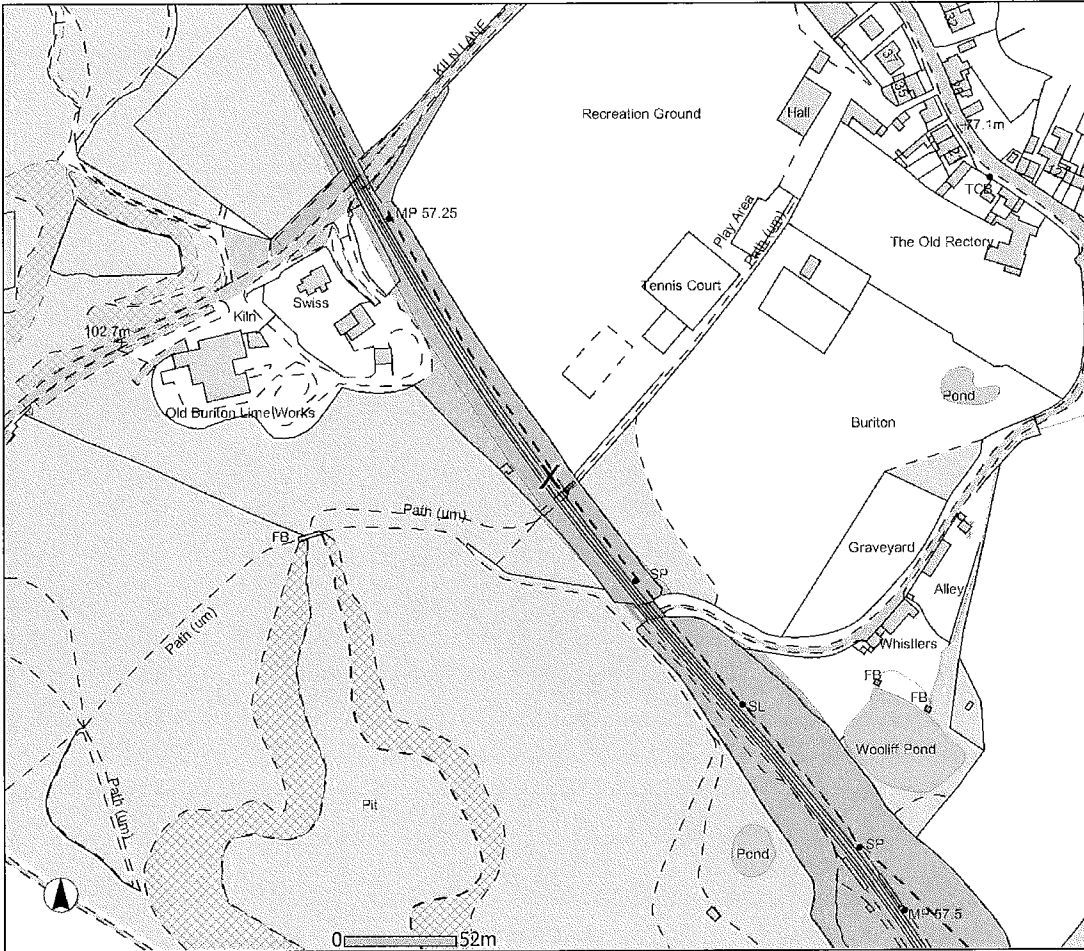
We also looked at improving the safety features there, but we have found that the most usual technology - miniature stop lights - still require the attention and adherence of users and can be ignored by children and regular users. Equally, stop lights won't stop people from trespassing or messing around. While it's easy to say people should behave themselves on the railway, we know that the simple existence of a crossing gives people – and especially children – opportunities to put themselves in danger, or even just make a mistake.

The popular Shipwrights Way, advertised by Hampshire County Council does not pass over the foot crossing and is promoted via a nearby underpass, which also accommodates Bridleway No 4. As it is not possible to legally divert rights of way onto existing rights of way, we have had to apply to close the crossing completely – a so-called 'extinguishment'. While that sounds dramatic, in reality users of the footpath would simply move over to using the underpass and the safety risks would be eliminated completely.

'Extinguishment' of a right of way is not the default position or the normal process we would use. It has only been pursued in this instance because of a lack of available options, the high risk score and a concerning number of incidents. These factors, coupled with the proximity of the railway to the recreation ground and the possible expansion proposals for the play area, mean that a closure is the best way to ensure people's safety.

We realise that closing a public right of way is not something to be taken lightly and we take our responsibilities seriously. If anyone has any queries or comments please do not hesitate to contact me and I would be happy to discuss them further.

Camilla Bushill
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Network Rail
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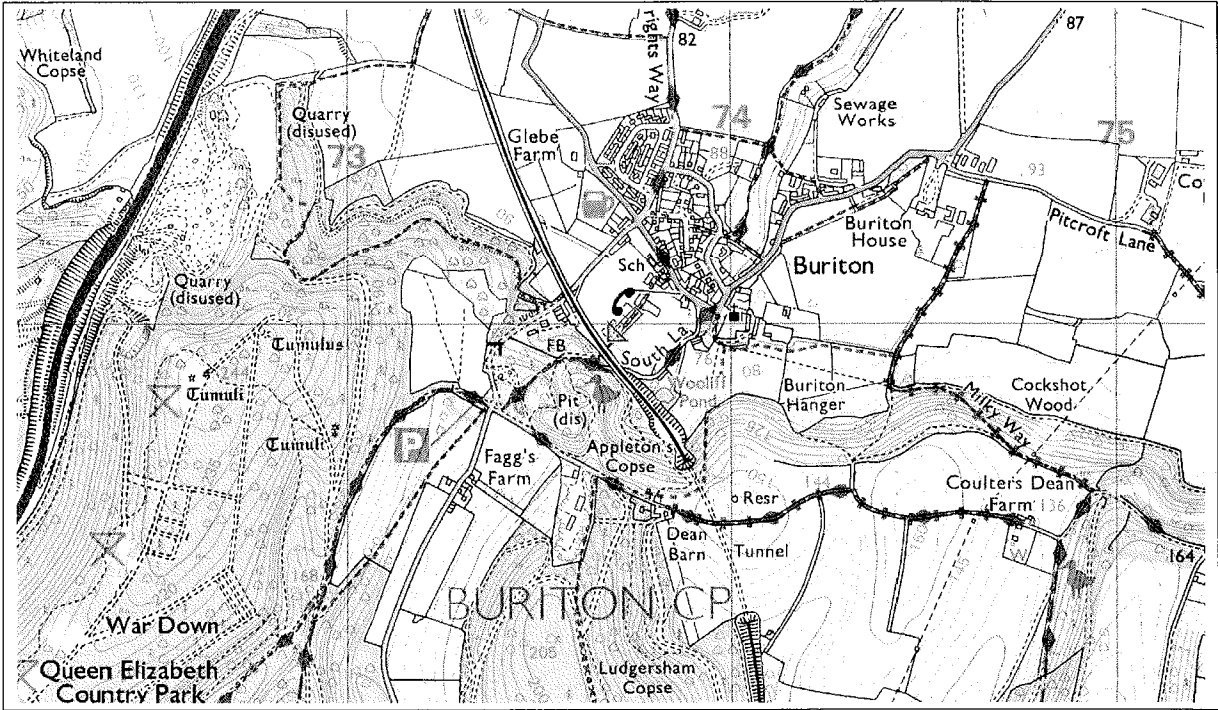
**BURITON S118A
APPLICATION
Plan 1**

Plot Scale	1:2500
Plot Date	16/9/2014



Output Created from the GI Portal - A4 Landscape

Centre of Map Window (E,N): 473686 119939



Plan 2