

APPENDIX 6

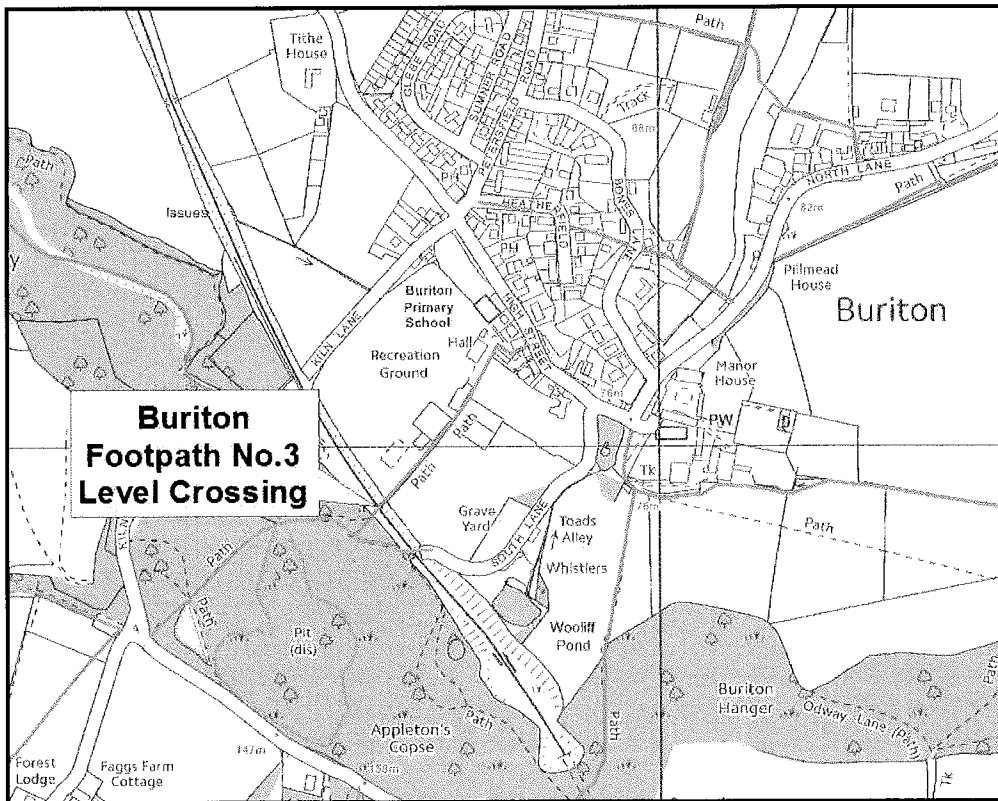
Letter and questionnaire to local residents

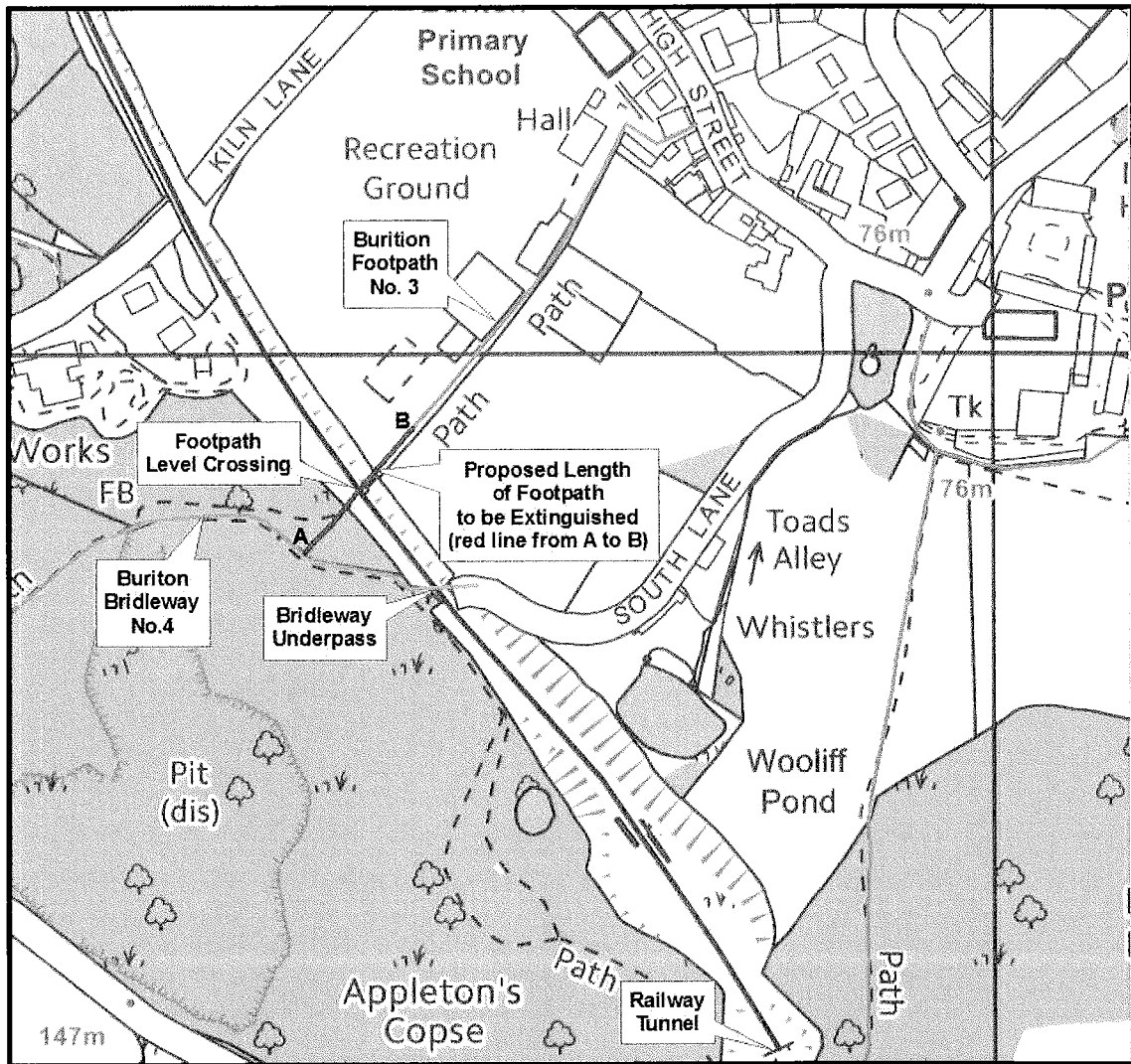
Letter of 28 or 29 October 2014:

Dear Sir / Madam,

Consultation: Proposed Extinguishment of Buriton Footpath Level Crossing

Hampshire County Council has received an application from Network Rail to extinguish (permanently close) Buriton Footpath No.3 level crossing in the interests of public safety, as shown on the plan below and more detailed plan overleaf.





Network Rail proposes to extinguish that part of Buriton Footpath No.3 which falls within their ownership only. If this extinguishment is confirmed, Hampshire County Council would like to prevent footpaths terminating at the railway boundary fence and therefore propose the extinguishment to be as shown by the red line. [Please contact me if you are, or know of, the landowner of Buriton Footpath No.3 south of the railway].

The section of Buriton Footpath No.3 affected by this proposal commences at Point A (Grid Reference SU 7364 1990) and proceeds in a generally north-easterly direction to Point B (SU 7370 1996). The length A-B is approximately 85 metres.

The proposal leaves the remaining section of Buriton Footpath No.3 unaltered in the Recreation Ground, terminating short of the railway, after approximately 235 metres.

Network Rail suggests an alternative route via the underpass on South Lane. From the entrance of the Recreation Ground on Buriton High Street, it is approximately 430 metres to the underpass on South Lane, whereas it is approximately 270 metres to Buriton footpath level crossing (a difference of 160 metres).

Background to the Proposal

Buriton Footpath No.3 is well established (featuring on Ordnance Survey maps dating back to 1871) and well used (Network Rail's census from October 2013 shows the crossing is used by 6 – 40 pedestrians per day. This number is thought to increase significantly in spring and summer).

Network Rail assesses Buriton footpath level crossing to be high risk due to the following reasons:

Table 1 - Source: Network Rail's extinguishment application

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

Network Rail cites a number of reported incidents of misuse at Buriton footpath level crossing (dates unknown), including:

Table 2 - Source: Network Rail's extinguishment application

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

Network Rail has investigated, and discounted, the following options for improving safety at this level crossing:

Table 3 - Source: Network Rail's extinguishment application

Options considered by Network Rail	View taken by Network Rail
<p>Ramped or Stepped Footbridge</p> <p>Cost: £1,500,000 - £2,500,000 (Ramped Footbridge)</p> <p>Cost: £450,000 - £800,000 (Stepped Footbridge)</p>	<ul style="list-style-type: none"> • 'Due to the available space and land boundaries a ramped footbridge is not considered possible... A ramped structure would not be in-keeping with the area.' • '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... the structure would be excessively large due to the steep embankments.' • '...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 <i>[financially]</i> as well as being unfeasible.'
<p>Subway</p> <p>Cost: £1,500,000 - £4,000,000</p>	<ul style="list-style-type: none"> • 'Due to the lay of the land, possibility of anti-social behaviour, light pollution from illumination and flooding risks a subway cannot be provided.'
<p>Miniature Stop Lights <i>[for pedestrians]</i></p> <p>Cost: £400,000 - £700,000</p>	<ul style="list-style-type: none"> • '...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.'
<p>Reducing the line speed by a permanent speed restriction</p> <p>Cost: £0</p>	<ul style="list-style-type: none"> • '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.'
<p>Footpath diverted along railway embankment to underpass on South Lane</p> <p>Cost: £250,000 +</p>	<ul style="list-style-type: none"> • 'Unfortunately this is not possible due to advice from rail 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.'
<p>Footpath diverted along Kiln Lane</p> <p>Not costed</p>	<ul style="list-style-type: none"> • '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.'

The Law

Network Rail's extinguishment application is under the Highways Act section 118A. The legal test for an extinguishment under section 118A is that it is:

'expedient (*convenient, practical*) in the interests of the safety of members of the public using it or likely to use it that a footpath or bridleway in their area which crosses a railway, otherwise than by tunnel or bridge, should be stopped up.'

To gauge the 'safety of members of the public' using Buriton footpath level crossing, Hampshire County Council has considered Network Rail's assessment and also looked at Buriton footpath level crossing to determine how safe it is for legitimate users.

To gauge whether it is 'expedient' (*convenient, practical*) for part of Buriton Footpath No.3 to be extinguished, Hampshire County Council are conducting this consultation (please see Page 6). We would like to hear about your use and your views of Buriton footpath level crossing. Your response will assist Hampshire County Council's decision-making.

The results of this consultation will contribute to a report which will be presented to Hampshire County Council's Regulatory Committee for County Councillors to decide whether or not to approve the extinguishment proposal. If Committee Members approve the making of an Extinguishment Order, this will be advertised in the local press and notices displayed on site for a period of four weeks. If objections to the Extinguishment Order are received, Hampshire County Council will refer the matter to the Secretary of State for a decision. If no objections to the Extinguishment Order are received, the Order will be confirmed as made.

The determination of this extinguishment application is subject to the decision-making of County Councillors and / or the Secretary of State, who will consider all the information available to them. The process is open to public scrutiny.

Yours faithfully,



Esther Smeardon
Countryside Access Development Officer

Your views are requested...

Please could you answer the following questions **on behalf of your household** and return to me by 25 November 2014. Please use the pre-paid envelope provided and either put your questionnaire in the post, or take it to the following address for collection: Wendy Shone, Buriton Parish Council, c/o 24 Heatherfield, Buriton

1. How many people in your household use Buriton footpath level crossing?
.....
2. On average, how often do people in your household use Buriton footpath level crossing? *(Please tick, circle or underline one answer only.)*
 - a. Almost every day
 - b. Once or twice a week
 - c. Once a fortnight
 - d. Once a month
 - e. Once every 6 months or less
3. At what time of day do people in your household generally use Buriton footpath level crossing? *(Please tick, circle or underline one answer only.)*
 - a. Between 7am and 11pm
 - b. Between 11pm and 7am
4. How safe do people in your household feel using Buriton footpath level crossing? *(Please tick, circle or underline one answer only.)*
 - a. Very safe
 - b. Safe
 - c. Unsafe
 - d. Very unsafe
5. Why have you chosen your answer to Question 4 above? Please can you provide some reason(s), based on the experience(s) of using Buriton footpath level crossing by you and members of your household, and also taking into account the reasons given by Network Rail in Table 1 on Page 3? Please include any incidences of unsafe or dangerous behaviour that you have witnessed personally. Please relate your answer to your own experiences as a household only. *(Please use the separate sheet at the end of this letter if necessary.)*

- e. Yes – Reduced Line Speed
- f. Yes – Footpath Diversion along railway embankment
- g. Yes – Traffic Regulation Order (legal order preventing use by pedestrians, but not removal of the right of way).
- h. Yes – Improved safety gates
- i. Yes – Improved signage for pedestrians
- j. Yes – Improved sight lines for trains and pedestrians (eg. vegetation clearance)
- k. Yes – Other (please specify).....
- l. No – It's fine as it is

Thank you for taking the time to tell us your views. Please leave your contact details below if we can contact you to discuss this matter further:

Name:

.....

Address:

.....

Phone:

.....

Email:

.....

If you have any other comments to make and wish them to be considered by Hampshire County Council, please use the continuation sheet below or write to Esther Smeardon at esther.smeardon@hants.gov.uk by 25 November 2014. Should you wish to discuss any of the above, please do not hesitate to contact Esther Smeardon.

Continuation pages for additional comments:

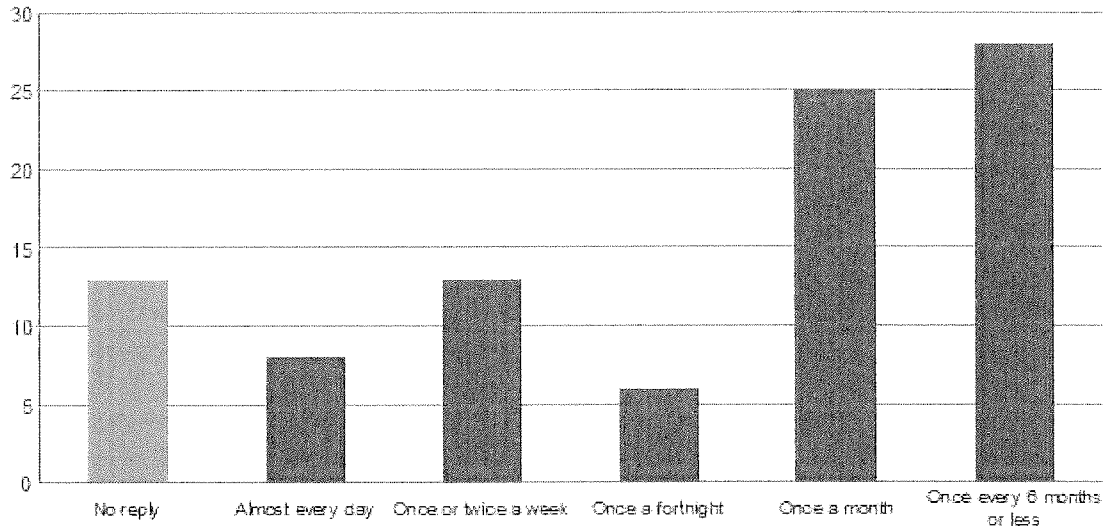
APPENDIX 7

Consultation responses – local residents

7.1 How many people in your household use Buriton footpath level crossing?

The total number of people from the households who responded was 147 people.

7.2 On average, how often do people in your household use Buriton footpath level crossing?

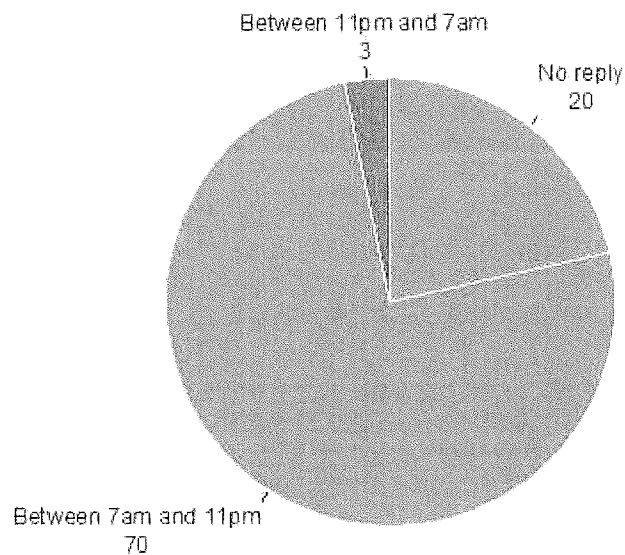


7.3 At what time of day do people in your household generally use Buriton footpath level crossing? (Numbers on chart indicate individual responses.)

Between 7am and 11pm = 75.3%

Between 11pm and 7am = 3.2%

No reply = 21.5%



7.4 How safe do people in your household feel using Buriton footpath level crossing? (Numbers on chart indicate individual responses.)

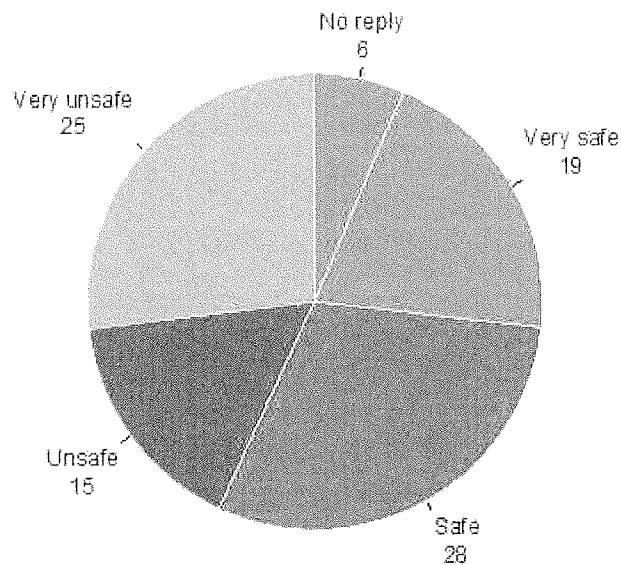
Very safe = 20.4%

Safe = 30.1%

Unsafe = 16.1%

Very unsafe = 26.9%

No reply = 6.5%



7.5 Why have you chosen your answer to Question 4 above?

Reasons respondents give for Buriton Crossing being 'very safe':

- Long term use / never had a problem
- Good / reasonable vision of approaching trains in both directions, very little curvature
- Trains do not approach at excessive speed
- Trains always sound horns
- Long interval between each train
- Double access gates at each approach provide adequate protection
- Never heard of or witnessed misuse or dangerous behaviour – either deliberate or accidental
- Absolutely no risk for responsible adult
- No problem with sun or fog
- Discount all NR's reasoning

Other comments from respondents who think the crossing is 'very safe' are as follows:

- Access to tunnel possible from other locations
- Kiln Lane is dangerous and would be an alternative for some
- Young children need supervision at all times
- Against all rights of way being closed

Reasons respondents give for Buriton Crossing being 'safe':

- Long term use. Not been site of accident.
- Double gates, with high latches, on both sides
- It is well maintained
- Not experienced or witnessed any problems or unsafe experiences
- Straight-forward for able-bodied, responsible adult – including with children or dog
- Safe with a caveat: 'Safe, unless physically impaired ie. deaf, visually impaired', 'Safe, if pets are under control', 'Properly used it is not a risk', 'Although feel safe there is limited view towards tunnel from woods', 'Safe if children are taught how to use it'.

Other comments from respondents who think the crossing is 'safe' are as follows:

- Possible to get onto tracks in other places
- Valued amenity

Reasons respondents give for Buriton Crossing being 'unsafe':

- Trains from Petersfield are hidden by the curve until last few seconds
- Speed of trains, trains arrive quicker than you expect. Had an unexpected close call despite checking
- Trains are quiet apart from horn. Those who are hard of hearing cannot hear train horn
- Frequent trains
- Slippery surface to crossing
- Element of risk from tripping or a collapse
- Known misuse by children – children playing on or near tracks. Open to abuse by unsupervised children
- Dangerous for children or groups of people
- Dangerous for dogs – electrocution risk

Other comments from respondents who think the crossing is 'unsafe' are as follows:

- Other routes are available
- The alternative route is a few metres difference, and better anyway
- Suggestion to move play area closer to railway

Reasons respondents give for Buriton Crossing being 'very unsafe':

- Limited sight-lines due to bend in track, siting of crossing appears dangerous

- Trains suddenly appearing – someone was caught inside the area between the rail and the gate – not good for groups. Little warning of trains emerging from tunnel
- Fast trains, it is the main London – Portsmouth line
- Slippery surface to crossing
- Gates are sometimes propped open
- Nearness and accessibility of live rails
- Reliance on human factors means it is never fail-safe ie. train drivers slowing and sounding horns, behaviour of pedestrians. Safety cannot be guaranteed, especially children.
- Misuse by children – eg. playing on the crossing.
- Dangerous / potential risk for children
- Dangerous for dogs – feet trapped, risk of electrocution, dogs escaping down tracks
- Push chair got stuck in gate

Other comments from respondents who think the crossing is 'very unsafe' are as follows:

- Alternative path close by should be used – South Lane or Kiln lane.
- Children's playground close by
- Suggestion to move play area closer to railway
- Don't want children to have access to railway
- It's a 'countryside route', so it's removal will only affect ramblers a little
- Train drivers won't be affected
- Train horns won't sound
- Unnecessary risk

Those respondents who did not answer about the safety of the crossing did comment as follows:

- There is an alternative route – the crossing is not necessary
- The crossing being in the recreation ground means it is dangerous for people and animals.
- Train drivers won't be affected

Respondents answering 'very safe' gave the following explanations:

- "We do not believe that any of the reasons given by Network Rail apply to this crossing. We feel perfectly safe, exercising appropriate caution, when using this crossing."*
- "We stop, look and listen before attempting to cross. Double access gates at each approach to crossing provide adequate protection. No problem with sighting of trains approaching, we have not witnessed any deliberate or accidental misuse and have not had a problem with sun or fog."*
- "Table 1: Sighting of approaching trains – more than adequate visibility in both directions. Track curvature – very little track curvature. Fast and frequent trains: Yes but there is still a long interval between each train. Misuse: We have lived here since 1986 and have never heard of or witnessed misuse.*
 - 1. Trains sound a very loud mandatory warning hooter on approaching the crossing and leaving and approaching tunnel entrance.*

2. The application bears the hallmarks of a standard format for use to eliminate potential expensive responsibilities.

3. Misuse: The removal of the crossing will not deter persons misusing the railway track but only make access slightly more difficult.

4. Right of Way: Rights of way on footpaths in the national park should be sacrosanct and should be preserved. There is absolutely NO RISK for a sane pedestrian. Network Rail is not responsible for the behaviour of children. It is the responsibility of their parents."

- d. "I have never had a problem using the crossing. The trains always sound their horns and there is reasonable vision of approaching trains which do not approach at an excessive speed. Unfortunately if people wish to trespass on railway property they will do so – it is probably easier to get to the tunnel from the underpass in South Lane than it is from the crossing. The alternative route that would probably be used would be Kiln Lane which as acknowledged is dangerous."
- e. "No problems over using F.P. provided simple common sense prevails. Young children need supervision at all times!! I have never once witnessed dangerous behaviour and feel it is now people who do not like the noise of the trains who are pressurising for its closure. No one wants to see an injury/death on this crossing, least of all me!!"
- f. "I have used this crossing with family for over 8 years and have always found it safe."
- g. "I have been using it for years. If I thought I would be unsafe I wouldn't use it. I am against all rights of way being closed. Some of those that have been closed should be re-opened."
- h. "In 42 years at this address we have NOT witnessed any misuse of this crossing at all. We feel perfectly safe but we do stop and look and listen intently and ensure our visitors realise the need to cross quickly. We have never been 'surprised' by a train. How far do you go to make things 100% safe? – stop the trains running! In some ways crossing the track feels safer than crossing many of our local roads. People can always find a hole in the fence if they are determined to get onto the tracks. We feel this campaign within Buriton is more to do with horn noise than safety. Initially the new units did have horns that were far too loud but now they seem at a more acceptable level – far better than the roar of traffic along the A3. Thank you for taking the trouble to ask for comments we do hope a large cross section of the village takes the trouble to respond."
- i. "I have lived here for 16 years and have always walked my dogs and grandchild across the railway, and have never had a problem and never seen a problem."
- j. "You get warning of a train coming because it blows its horn."
- k. "Because at one time the fencing was badly maintained. This is no longer the case."

Thank you for your letter dated 29th October 2014 regarding the above proposal. I have completed your form and attach this letter in order to set out more clearly my views on the matter.

Buriton Footpath No. 3 is an ancient right of way which has existed for hundreds of years, long before the railway was built in the 1850's and was used to access parish land south of the village on Buriton Down. When, in 1853, the Portsmouth Railway Company sought an Agreement with the Rector of Buriton to run the proposed line from Godalming to Havant through his Glebe Land, the footpath, which ran along the western side of the Rector's land, was important enough to be catered for by means of this crossing. This footpath is the quickest route up to the downs from the centre of the village, and this advantage still applies today. It is also a commonly used circular walk from the village pond by way of South Lane under the railway bridge to the junction with footpath No3, then over the railway and back to the village. This very pleasant walk would be lost if the crossing were to be closed. The proposed alternative from the pond along South Lane under the railway bridge only leads to the summit of the Down up the bridleway, a very steep rough track, which is quite arduous for the elderly or disabled. Without simply back tracking, the only return route to the village would lead down the hill by way of Kiln Lane, a route ruled out by yourself in the final option in Table 3 as being too dangerous. I would point out that most, if not all, of the instances quoted in Table 2, happened when the fencing along the track was in a poor state of repair, and access

to the line by the nearby bridge was constantly used by children. The fencing has now been strengthened and since then these problems seem to have ceased.

I was surprised to see that the Samaritans have placed a notice by the north set of gates, asking people not to commit suicide on the crossing. While I am sure that they mean well, no one has used the crossing to end their lives to my knowledge, but such a notice could put the idea into someone's head. As there have not, to my knowledge, been any such attempts, it is possible that this notice was erected at someone's suggestion to the Samaritans in order to raise the temperature of the debate.

There is a "Walking for Health" group in the village, which is organised by East Hampshire District Council, and supported by elderly villagers and others from further afield. The commonest route this group takes is across the recreation ground, over the railway crossing, and up into the Downs. While many of those on the walks are elderly, this is their preferred route which they take regularly. Is it likely that groups of between 12 to 20 level headed individuals would repeatedly use this crossing if, indeed, it were really dangerous? I would point out that no one is compelled to use the crossing. If the anti-rail crossing group really wishes to reduce public danger, surely a better case for their efforts is half a mile away on the A3. On this new road, there have been numerous serious accidents, including deaths, but no attempt has been suggested to make this road safer, even by reducing the speed limit.

I would contend that as the crossing has been used for over 150 years without accident, to seek its closure now, there must be some motive other than safety. As I understand it, the constant clamour for its closure from a relatively small but vociferous group, many of whom do not live in the village, seemed to start after the railway company started running new trains which used louder horns. These horns are used to warn pedestrians on the crossing and workmen in the tunnel of approaching trains. Requests to reduce the noise only produced the standard 'Health and Safety' response and so another means to silence these noisy horns was sought. As a result the request to close the footpath was devised, as, without the crossing, the horns would not need to be used. This solution has the added bonus for Network Rail in that the maintenance cost of the crossing would be saved, and the constant bad publicity from a vociferous anti-crossing group would be ended.

While I understand the temptation to give permission to close the crossing, I would ask the County Councillors involved to keep this facility open, with, perhaps, some small changes such as the use of video cameras etc."

- l. "We have been using the crossing for 65 years and have experienced no problems."
- m. "No issues. It is safer than crossing the road in Buriton High Street – are we to close our roads too. And, in the case of footpath safety, the footpath across the A3 dual carriageway between Buriton and Petersfield is surely your priority?"
- n. "If crossing is used properly it is very safe. My wife and I were born in the village and have lived here all of our lives. The only thing we know of to have happened on the railway line is that a lady committed suicide by throwing herself in front of a train."
- o. "It is perfectly possible to see and hear trains approaching – all trains sound their horns. The crossing is well signed – "stop, look, listen" and anyone with common sense can cross easily and safely. Our household has brought up children to use the crossing safely and with no incidents, including a child with learning disabilities. None of us have ever witnessed any dangerous or unsafe incidents at the crossing. This crossing provides a very convenient shortcut up to the South Downs Way and other paths. It also makes a lovely short walk for less mobile residents who cross the line and walk down South Lane back into the village."
- p. "I would suggest that based on the reasons given in Table 1 on Page 3, many of the open platforms on Railway Stations would also need to be closed to the public to prevent access as being of high risk of deliberate and/or accidental misuse. (It would be interesting to see statistics for incidents on or near Network Rail stations platforms in East Hampshire Council area as opposed to proven incidents on Buriton FP3 level crossing). Because of the sturdy gates and fencing on both sides of the railway crossing, one cannot help but be aware that one is about to cross a railway line. I have never witnessed any unsafe or dangerous

behaviour. I have heard of two regrettable incidents when dogs went onto the railway line off the lead."

- q. "I have lived in the village for over 18 years and for the past 7 years after dropping my daughter off at the school I walk my dog across the green and over the railway crossing into the woods. I do it every day, different times, different weather conditions and feel safe every time without any incidents EVER! In all the time I've lived here I have not heard of any incidents amongst the community. My family and I would be very disappointed to lose the crossing."

Respondents answering 'safe' gave the following explanations:

- a. "Feel if you listen and visually check in each direction it is safe to cross if you are an adult with no visual or hearing impairment."
- b. "I do not know of any unsafe experiences. If the majority think it should go, then close it. It's just a bit of historical fun."
- c. "We have never had a problem with the crossing. It has double gates on both sides. It is well maintained. We have never felt unsafe on the crossing. Properly used, it is not a risk. Further, we have never met anyone who knows anyone who has actually had bad experience on this crossing. The quality of the Network Rail case is suspect. The real reason behind the drive to close this crossing is the noise of the train horns. It has nothing to do with safety!"
- d. "I have lived in Burton for 36 years and used the crossing throughout that time, often accompanied by a young child or a dog. I have not experienced or witnessed any problems with the crossing."

Network Rail has not consulted Buriton Parish Council about its application and has rejected options such as a footbridge or miniature stop lights, apparently as impractical, but probably cost is a major part of the reason.

The foot crossing, which has existed since the construction of the railway in the late 1800s, has not been the site of an accident within living memory and is a valued amenity for many members of the local community, as shown by a survey conducted for the Buriton Village Plan a few years ago. The crossing was originally installed by the railway company (then the L&SWR) who chose how it would be engineered. There is nothing to suggest that there has been any significant investment in improving it since then, other than routine maintenance. The NR-proposed alternative crossing point, using the High Street, South Lane and Bridleway 4 through an underpass bridge, involves a detour of approximately 750 metres. This route itself forms a short circular walk with FP3, which would be lost if the extinguishment took place. The only other nearby crossing point uses a road bridge in Kiln Lane, with frequent traffic down a steep hill, no footway, and no pedestrian refuge points for part of its length.

There is a section of the local community which would welcome closure of the path, ostensibly for safety reasons but for some of them the real objective is to eliminate the sound of horns which are used by trains approaching the crossing. This is demonstrated by their calling themselves "The Hornblower Group", until their recent adoption of a less revealing title ("Safe or Sorry").

Network Rail has published its All Level Crossings Risk Model Brief. Most of the information in the Brief relates to vehicles crossings and vehicles but it also identifies "about 8 pedestrian fatalities per year on rail crossings of all types". The Royal Society for the Prevention of Accidents Submission to the House of Commons Transport Committee Inquiry: "Safety at Level Crossings" (16 September 2013) states "On average, there are 9 deaths ... on levels crossings each year" and "Almost all (95%) of the fatalities at level crossings were road users". Combining these figures gives the result that <1 fatality a year occurs to non-road-using pedestrians. Road deaths average 5 per day. That is not to say that any of these are acceptable but it gives some sense of proportion about the relative risks.

It should be noted that although Network Rail has a safety responsibility as a "duty holder" it is not the final authority on safety – that is the Office of Rail Regulation. The ORR's web site

includes the following: (Extracts from <http://orr.gov.uk/what-and-how-we-regulate/health-and-safety/guidance-and-research/infrastructure-safety/level-crossings/level-crossings-policy>)

Risk control should, where practicable, be achieved through the removal of level crossings and replacing them with bridges, underpasses or diversions. Where removal is not possible, we aim to ensure that duty holders reduce risk so far as is reasonably practicable and in accordance with the principles of protection.

and

We believe that it is neither effective nor efficient for only rail companies to be responsible for managing safety at level crossings. Decisions about level crossings should involve rail companies, traffic authorities and other relevant organisations such as planning authorities as early on as possible. Relevant authorities should recognise the wider benefits that safety improvements at level crossings (for example, replacing them with bridges) can bring about, particularly for road users. If wider benefits can be achieved, the appropriate funding bodies should agree on how the costs of making safety improvements will be met."

Email of 3 November 2014:

Table 1 - Source: Network Rail's extinguishment application

Network Rail's assessment of the crossing as "high risk" is given in Table 1, which contains subjective and qualitative terms, rather than facts and figures.

<p><i>Barely compliant sighting of approaching trains due to the tunnel entrance</i> <i>"Barely compliant" means it reaches the minimum standard</i></p>
<p><i>Insufficient sighting due to track curvature</i> <i>What standard applies? Apply speed restriction appropriate to sighting?</i></p>
<p><i>Fast and frequent trains. Again, no numbers from NR</i> <i>Whatever the theoretical line speed, trains are typically going at around 40mph over the crossing. There around 6 trains/hour at peak times, fewer at other times.</i></p>
<p><i>Deliberate and accidental misuse Evidence is sparse - no dates, numbers, etc</i></p>
<p><i>Sun glare / fog</i> <i>Line is oriented NW-SE and has hills to E, S & W so sun glare is unlikely</i> <i>Fog is a generic problem and normal safety procedures should apply</i></p>

Table 2 - Source: Network Rail's extinguishment application

Network Rail cites a number of reported incidents of misuse at Buriton footpath level crossing.

Without dates, numbers and other details this "evidence" is largely anecdotal. Note that none of these alleged incidents resulted in an accident, suggesting that, while the crossing is not ideal, it is sufficiently safe. It is an inherently bad principle to remove the use of public amenities from all because of misuse by a minority.

<p><i>A near miss with 3 children playing 'chicken' on the crossing Date?</i></p>
<p><i>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. Date?</i></p>
<p><i>Numerous instances of adults and children trespassing (where people use the crossing to</i></p>

access the track), including the British Transport Police making arrests and individuals entering the tunnel. Dates, numbers, details?
Children throwing stones at trains. Dates, numbers

Table 3 - Source: Network Rail's extinguishment application

Network Rail has investigated, and discounted, the following options for improving safety at this level crossing

Network Rail appears to have done this unilaterally. Local bodies such as Burtiton Parish Council were not involved.

It should be noted that although Network Rail has a safety responsibility as a "duty holder" it is not the final authority on safety - that is the Office of Rail Regulation. The ORR's web site includes the following:

(Extracts from <http://orr.gov.uk/what-and-how-we-regulate/health-and-safety/guidance-and-research/infrastructure-safety/level-crossings/level-crossings-policy>)

Risk control should, where practicable, be achieved through the removal of level crossings and replacing them with bridges, underpasses or diversions. Where removal is not possible, we aim to ensure that duty holders reduce risk so far as is reasonably practicable and in accordance with the principles of protection.

and

We believe that it is neither effective nor efficient for only rail companies to be responsible for managing safety at level crossings. Decisions about level crossings should involve rail companies, traffic authorities and other relevant organisations such as planning authorities as early on as possible.

Relevant authorities should recognise the wider benefits that safety improvements at level crossings (for example, replacing them with bridges) can bring about, particularly for road users. If wider benefits can be achieved, the appropriate funding bodies should agree on how the costs of making safety improvements will be met.

Options considered by Network Rail	View taken by Network Rail
<p>Ramped or Stepped Footbridge</p> <p>Cost: £1,500,000 - £2,500,000 (Ramped Footbridge)</p> <p>Cost: £450,000 - £800,000 (Stepped Footbridge)</p>	<ul style="list-style-type: none"> · 'Due to the available space and land boundaries a ramped footbridge is not considered possible... A ramped structure would not be in-keeping with the area.' · '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... the structure would be excessively large due to the steep embankments.' · '...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[financially] as well as being unfeasible.'
<p>Subway</p> <p>Cost: £1,500,000 - £4,000,000</p>	<ul style="list-style-type: none"> · 'Due to the lay of the land, possibility of anti-social behaviour, light pollution from illumination and flooding risks a subway cannot be provided.'

<p>Miniature Stop Lights[for pedestrians]</p> <p>Cost: £400,000 - £700,000</p>	<p>· ‘...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.’</p> <p>Feasible and used elsewhere. Risks are seldom fully controlled but may be reduced.</p>
<p>Reducing the line speed by a permanent speed restriction</p> <p>Cost: £0</p>	<p>· ‘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.’</p> <p>Safety should take priority over speed</p>
<p>Footpath diverted along railway embankment to underpass on South Lane</p> <p>Cost: £250,000 +</p>	<p>· ‘Unfortunately this is not possible due to advice from rail 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.’</p>
<p>Footpath diverted along Kiln Lane</p> <p>Not costed</p>	<p>· ‘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.’</p> <p>Agreed. At least as dangerous as the rail crossing!</p>

- e. “I have used the crossing for over forty years and have never felt unsafe.”
- f. “Safe for me, but not for the deaf.”
- g. “Seems straight forward for responsible adult.”
- h. “Safe except for unaccompanied children.”
- i. “Although we feel safe we are very wary when using the crossing as there is a limited view towards the tunnel when crossing from the woods to the recreation ground. Whilst we would not advocate the closure of this crossing we do feel that Network Rail's application is a valid one and therefore would not object to them doing so.”
- j. “We are adults who are able-bodied and able to cross carefully and quickly, although we do have young children who I would not wish to access the crossing as they grow older and more independent.”
- k. “I think the crossing is safe enough to walk my dog across but should he get scared or escape then I would worry about the visibility of the trains due to the tunnel and curve of the track. I have over the last year seen one group of teenagers messing about on the crossing taking photos etc. but they were not playing ‘chicken’.”
- l. “Because we were taught as children how to use a crossing and we have taught our children how to use it.”
- m. “I walk my dog every day onto the recreation field after dropping my children at school – I cross the field, cross the railway line and then turn left pass under the underpass down South Lane to the pond and then past Bones Lane and up the path to Heatherfield ending at Glebe Road where I live. This is a perfect circuit. I have encountered no incidents of abuse or near misses. I am extremely cautious when taking my children across. But I do not think it any less safe than crossing the High Street at school pick up time. It is not a 160m difference when standing at the Rec ground and wanting to walk your dog in the chalk pits!”
- n. “There is adequate signage which makes it clear how to use it if we choose to. Our kids have been educated how to use it – both by their parents and in lessons at school. I feel safer crossing the designated crossing than I do driving my car down the A3 on a daily basis and I

statistically put my children at more risk by driving them on the school-run. There are many footpaths which cross the A3 – which is far more risky (as 4x lanes of fast moving traffic). There are no National campaigns trying to extinguish footpaths which cross roads. Indeed there is a National Trail – The South Downs Way – which crosses several major 'A' roads at various points! It doesn't look like they have really explored the option to divert the path – they say it can cause embankment slides – but how close/faraway from the embankment would it need to be to avoid embankment slides? There is opportunity to actually make this circular walk more accessible (avoiding steps) if it could be diverted across the far end of the land which comes out South of the graveyard (if landowners permission etc) It is quite a large loop to go back down to the High Street and up South Lane if time is limited whilst walking to the woods from the Rec.”

- o. “There is no record of fatalities/injuries on this crossing and NR have failed to provide evidence of misuse.
- NR is inconsistent in its approach. Closing FP3 is an easy target and cheap for them. They have done nothing at Upton Nervet in the 10 years since the major incident there which cost the lives of several train passengers. Since then there have been 4 further fatalities – double standards.”
- p. “The crossing has never been a safety problem in the 40 years of living in the village. It has only been brought to the attention of Network Rail because of the noise of the train horns via a group called The Horn Blower Group now renamed as they realised the crossing couldn't be shut on noise. The crossing is safe because of the horns.
- It is my opinion that Network Rail have seen this as an opportunity to shut a crossing without costing them any money and help them meet their targets set by the Government.”
- q. “Never had a problem. Horns warn of approaching trains.”
- r. “Everything has been done to make the crossing as safe as possible provided the crossing is used correctly.”
- s. “Safe – have never felt any difficulty sighting a train there. The sun is usually filtered by trees and hillside. I have never witnessed dangerous behaviour there. (In the thirty years since I moved here).
1. We need to ask why the reported incidents (Table 2) are not supported by evidence including dates.
 2. This whole issue seems to have arisen because some residents objected to the loud train horns. Could the volume not be reduced slightly or is there an E.U. directive controlling volume?
 3. I am uneasy about rerouting ancient footpaths. I frequently have to plough through mud on a local public footpath which was rerouted from dryer land for someone's convenience.”
- t. “We have never found it unsafe or witnessed any misuse. The extra gates to access it have high latches (not easy to open even for an average-sized adult) and it is easy to see oncoming trains in either direction. And they sound a warning horn. As far as misuse by young people is concerned, we believe it is possible to get onto the railway track at other places and walk along, and that some incidents cited were a result of this. The Buriton crossing isn't necessarily the cause.”
- u. “Approaching trains are very obvious and the gates are clearly marked warning you that you are approaching a railway line. Irrespective of the crossing, the noise of the horns continues to be a major irritant. There has never been a sustainable technical justification for the massive (I believe 15dB) increase over the old stock. Hiding behind a "safety" argument is not acceptable without a proper engineering response. My belief is that the 15% increase in sound pressure was mis-interpreted as 15dB and that the lack of proper response is merely trying to avoid acknowledging this mistake.”
- v. “Never witnessed any dangerous behaviour. I am 79 years old and was born in Buriton. Never lived anywhere else! The double gates fitted by the Parish Council are very effective in

statistically put my children at more risk by driving them on the school-run. There are many footpaths which cross the A3 – which is far more risky (as 4x lanes of fast moving traffic). There are no National campaigns trying to extinguish footpaths which cross roads. Indeed there is a National Trail – The South Downs Way – which crosses several major 'A' roads at various points! It doesn't look like they have really explored the option to divert the path – they say it can cause embankment slides – but how close/faraway from the embankment would it need to be to avoid embankment slides? There is opportunity to actually make this circular walk more accessible (avoiding steps) if it could be diverted across the far end of the land which comes out South of the graveyard (if landowners permission etc) It is quite a large loop to go back down to the High Street and up South Lane if time is limited whilst walking to the woods from the Rec."

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- s. "Safe – have never felt any difficulty sighting a train there. The sun is usually filtered by trees and hillside. I have never witnessed dangerous behaviour there. (In the thirty years since I moved here).*

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- v. "Never witnessed any dangerous behaviour. I am 79 years old and was born in Buriton. Never lived anywhere else! The double gates fitted by the Parish Council are very effective in*

preventing children from accessing the crossing unless accompanied by an adult. The crossing is safer now than at any time during the past 100 years!"

- w. "As with any crossing, road, rail or water, there is always an element of calculation and risk with being shown how to cross safely. Know how to implement that knowledge. Children had rail safety talk which gave and reiterated parents words.

My only comment is that Buriton is potentially losing another part of a footpath in the other end of village (Pilmead House to Buriton House). So to lose anything that enables access to walks is a shame. We would, as a family, have to use Kiln Lane, which in itself is not ideal because of the speed cyclists and cars go."

- x. "We have never had any bad experiences or reasons to fear for our safety when using the crossing, although there is always an awareness of potential danger – hence answering b. not a. I do fear that when our young children (9 months and 3 years) are old enough to access the crossing without supervision – e.g. as teenagers – then we would be always anxious about their safety.

An ideal outcome for us – taking into account safety of children and convenience of walkers – would be to close the crossing and open a footpath between the bridge and recreation ground along the trackside on the village side of the track, at a safe distance from the embankment (with proper fencing etc)."

- y. "We use it for running and have never felt unsafe."

- z. "I think it is safe because you can easily see trains coming and hear their horns too."

Respondents answering 'unsafe' gave the following explanations:

- a. "Trains approaching from the Petersfield direction are hidden by the curve until the last few seconds. If you are hard of hearing as most OAPs are it is very hard to get over the crossing if you don't hear the whistle."
- b. "Just feels unsafe."
- c. "Concerns: We feel unsafe, tripping, a collapse, dogs pulling on lead, stories of electrocution of pets, stories of children playing on the lines."
- d. "Although can hear trains coming there is an element of risk crossing this track."
- e. "Frequency and speed of approaching trains. Apart from the horn, the trains are very quiet. We worry about groups crossing where children are involved with or without parents. I am aware of an incident elsewhere where a fatality occurred because a bicycle got stuck. Walking a few extra metres is a small price to pay for the safety of the Community. The alternative route is entirely acceptable and we would welcome an end to the ongoing debate in the village."
- f. "We feel the crossing is an unnecessary risk and if prevents one accident or even fatality then it is the right thing to do."
- g. "A few years ago I crossed from the woods with my young granddaughter. I always check for trains very carefully and no way did I hear or see a train coming but we had descended only 2 or 3 steps when a train whizzed by. This was very frightening especially for my granddaughter. The train was coming from the tunnel way. I think that with other routes available to access South Downs Way this crossing is not needed."
- h. "Unsafe place to be!"
- i. "I have on several occasions seen kids playing on or near the tracks."
- j. "As an adult I feel the crossing is ok. But open to abuse by unsupervised minor. Playing or showing off not necessarily malicious, can end in a close call. Trains do arrive at this location quicker than you expect. If an older person fell or went back to pick up a dropped object, a train could be upon you, quicker than you thought possible, causing one to panic. I think it is time to close this crossing. The walk up the hanger past the pond is better anyway."

- k. *"It is possible to slip over on the railway line when conditions are wet even if a walker is fit."*
- l. *"The level crossing is slippery – our children have fallen over on it when they were young – once one of them caught their foot briefly between the boards and near where the rails were. Also my father (in his 70s) had a nasty fall on the crossing and was very shaken up and we were worried about a train appearing quickly out of the tunnel. Two of us had to help him back onto his feet – he refused to ever go back there. It is very dangerous for younger children and we have seen kids from the village (age approx. 10-14 years) up and around the crossing. It is too open and dangerous and much too accessible to the public – we are surprised there have not been more accidents."*
- m. *"We have two children aged 2 and 4 and the crossing itself makes myself and my partner uneasy. Also with the fact that the play park is due to be moved I think it would be safer all round if the crossing was closed. It's just too dangerous with small children around."*
- n. *"I cross the railway line with young children. Generally, I feel wary when crossing over, though there have been no incidents."*
- o. *"Easy for youngsters to access crossing (recreation field adjacent). Risk of access gates not being bolted. As a Buriton 'Walking to Health' walk leader, I feel safety must come first."*

Respondents answering 'very unsafe' give the following explanations:

- a. *"I witnessed 3 boys placing traffic cones on the crossing."*
- b. *"This crossing is very dangerous. It's very slippery in wet weather (most of the time). It's easy for dogs and other pets to get their feet trapped between the boards, dogs can get electrocuted on the live rail to which they have access. There is so little warning of trains emerging from the tunnel that elderly people can barely escape the crossing before being hit. Children use the crossing as a play-ground in summer. Even I used the rails to squash pennies as a child. Every year a number of children are killed on crossings just like this one! I find it simply unbelievable that it has taken 10 years to get an extinguishment order on this railway crossing given its obvious and serious dangers. That nobody has been killed here is pure luck. Both in the UK and the USA, crossings of this type that are unsupervised, create a persistent annual carnage, mainly among children, but sometimes adults including suicides. It was only created to allow workers on the chalk pits to get to work. As that requirement has long gone, so has its purpose and closure is long overdue."*
- c. *"I feel the crossing is very unsafe. I have used it on a few occasions, when I first moved to Buriton I got my pushchair stuck in the old gates, I also had a friend slip up in the winter when we came across with our children. Pretty much stopped using it then. I have also seen the gates propped open on more than one occasion. My friends son was also caught some years ago playing on the crossing. Awful for all involved. I also came across a very distraught woman who's small terrier dog had ran onto the track. She had been running up and down the track looking for him, and I had to stop her going back down to the path to search the tunnel. It was horrendous. I am surprised to read that walking under the bridge at Kiln Lane is considered too dangerous for pedestrians, I walk this way everyday, and would much rather do this than cross the railway line! (however crossing over the bridge at Greenway Lane is pretty scary, a footbridge there perhaps!?)"*
- d. *"It is slippy and the trains come last minute. When it rains it is very slippy. I do not want my young daughter anywhere near this crossing or any other children in the village to have access to the railway. Please close the crossing today, before someone is injured, we are sick of the continual stalling by the Parish Council. I am disgusted by the Parish Council in Buriton over this matter. Please as the professional body overseeing this matter close the crossing. I further wish to complain that the Parish Council have acted not within the interests of the majority of the village, but their own views/private interests as landowners (misconduct public office)."*
- e. *"Limited vision of approaching trains due to bend in track. And reliance on 'human factors' i.e. drivers slowing and tooting or behaviour of pedestrians means it isn't and never will be failsafe."*

- f. *"There is a feeling of danger when using the crossing. We have in the past been caught inside the area, between the tracks and the gates – on both sides. (Even in the time it takes to pass a small group, family of four say, through the gates, when there is no evidence of an approaching train, a train can appear from either direction before we reach the tracks (crossing). We are also very conscious of the nearness and accessibility of the live rails."*
- g. *"It is on a main railway, with an alternative close by. Children play near it and therefore the risk is very high. This entire debate has gone on with limited consultation and manipulated information. The Parish Council should have to write and declare all their dealings with all stakeholders so that the people in Buriton can have all the facts. I believe any future incidents that cause harm or distress, due to this crossing remaining open, should be laid squarely at the door of those who oppose positive change."*
- h. *"Just close it and stop wasting more time and trouble on what is clearly a death trap."*
- i. *"As no one ever uses the crossing because it is dangerous in the past my grandson gave a train driver a nervous breakdown by laying on the crossing, and both my daughters have admitted going into the tunnel."*
- j. *"Too dangerous to use that crossing when exercising my dogs. I always use the alternative path from South Lane. This matter should have been concluded months ago and the path extinguished as it has no benefit whatsoever and is dangerous to dogs and children."*
- k. *"Because it is absolutely impossible to prevent possible abuse of the ability to cross. Safety cannot be guaranteed, especially that of children, or teenagers crossing 'for fun' to take a risk. I myself have not in the past witnessed any abuse, except once when I saw an adult crossing with a dog; but I have heard stories from people who have. We have to look at this from the point of view of the train drivers as well, don't we. My opinion is of little value as at 90 I am virtually housebound. I have occasionally used the crossing in the past. But it is undeniable that it can be risky for all the reasons given and in these days of 'cuts' I think HCC has more important issues to spend money on. All the other alternatives would involve cost. The closing should also I think mean an end to the now compulsory and very loud whistled warning which I know many people find unpleasant. I can even hear it here in Heatherfield although I am quite deaf. No one will really suffer greatly from the closure, they'll just be a bit sad and put out!"*
- l. *"I used to play on the crossing as a child. My own children also have!! My son at the age of nine caused a serious incident with his friends resulting in the Transport Police being involved, this happened 14 years ago – but I know that other children have played on it. It is extremely dangerous!!!"*
- m. *"Limited sightlines and fast trains. Children's playground close to track."*
- n. *"We as a family have witnessed several cases of misuse/accidents so no longer use the crossing. 1) Son aged 13 admitted playing with a friend – both sensible boys I thought – along line – 2007. 2) Have witnessed 3 boys on bikes riding over crossing without looking – 2 made it – last 1 stopped just in time as train was coming – 2008 – 3rd of April. 3) Husband has fallen over on slippery crossing which if a train had been coming he would not have been able to get up in time – 2008 – Autumn."*
- o. *"The potential risk to children is both unnecessary and unacceptable especially as there are now plans to re-site the playground close by. Why would you want to put a child's life at risk for a point of principal? I use the footpaths in and around Buriton quite frequently and do not consider the closure would cause anybody any inconvenience. For some it is purely a point of principal. My view is that that the safety of our children ought to be paramount and no principal can be worth a child's life."*
- p. *"I am a widow. I completely agree with Network Rail. I've considered the crossing very unsafe for a long time and the sooner it's closed the better. I have a grandson of 3 years and we go to the recreation ground a lot to play on the swings and watch the trains. In no way would I allow him to go near to the crossing. You have to watch children all the time, it's so easy to lose sight of them. Boys particularly love playing on railway crossings and I was horrified to hear one train driver had seen a boy lying on the track. The inmates of Buritan never take in how dangerous the crossing is or ever think of the railway driver and what responsibilities he has. It is very selfish."*

I feel it is a complete waste of money to do any of these things [options to improve the safety of the crossing]. We are extremely lucky to have South Lane at the bottom of the High Street. It's no distance for anyone to walk there. We also have the railway bridge for the trains. People can walk up South Lane and enter the woods on either side of the path! They have the recreation ground to walk their dogs if they wish and it's really a very short walk to South Lane. Many walkers who are walking the South Downs way come down South Lane or walk up it to avoid the road. It's steep but so is the road. They can approach the Queen Elizabeth Country Park from South Lane. I live in South Lane so I should know! I also do bed and breakfast for the walkers. I would like to add that I agree with Network Rail that there are many fast and frequent trains. The crossing was put up for men to get to work in the quarry and there were very few trains in those days. I do so hope that the crossing will be closed so we can all stop worrying about it and relax."

- q. *"We have lived beside FP3 and the Buriton Recreation Ground (Rec) since 1970. Until approx. 1975, the Rec was separated from the railway embankment by a field grazed by cows. Access to the crossing was much safer: users had to follow a narrow footpath, about 100 metres long, between fences. The crossing too was much safer. Trains were fewer and noisy, and you could hear them coming on the far side of the tunnel as they left Petersfield. Now they are electric, more frequent and silent.*

a. *Our 4 children admitted trespassing in the 1970s, to put pennies on the line and stand beside it until a train passed. Our son, then about 12, ventured into the tunnel more than once.*

b. *A basketball pitch, now overlaid by a skateboard park, was created by the Parish Council about 8 years ago in the corner of the Rec adjacent to the crossing. It is well used by mainly village children, many unsupervised during summer afternoons and evenings. Indeed the entire Rec is often full of unsupervised children and teenagers: this is the very purpose of a public recreation ground. The skateboard park is a magnet for our 8 grandchildren. Although it ought in principle to be entirely safe, we cannot under any circumstances allow them to play in it, or in the Rec, without an adult - for the crossing is a potent and accessible attraction for young people.*

c. *While training for several London Marathons, I have walked over the crossing twice a day, on 5 days a week in winter and spring, usually around 8 — 9 am, over a period of up to 3 months. I know about it, and take care. But I have slipped on the crossing many times, in wet and particularly in frosty weather. I have countless times been surprised by electric trains emerging silently from the tunnel. Sometimes they do not sound their horns. If the wind is from the west, their approach is often drowned by the sound of traffic on the A3. I have stopped for a train dozens of times, to find another concealed behind it, travelling fast in the opposite direction. I have found the southern access gate jammed open repeatedly, and have seen a dog, off the lead, run through it to the crossing, followed by its owner.*

d. *I cannot say that I have seen the crossing used frequently by villagers any more. They did in the past, but now tend to prefer South Lane or Kiln Lane. But particularly since the creation of the South Downs National Park, I have seen increasing numbers of visitors using FP3 and the crossing. Often they have asked me, in the High Street, where the fingerpost (pointing to FP3) leads. They have no idea that it leads to a railway, or a crossing. Walkers, the elderly, groups of children with adults, pushchairs, mountain bikes (on one occasion I watched as a procession of 5 youths carrying mountain bikes over the crossing was separated by an emerging train), all use the crossing and all are free to do so with any encumbrances. Some are taking a short cut to the Chalk Pits Local Nature Reserve. I have overheard worries about the electric rail. With increased visitor usage, clearly it is only a matter of time before there is a fatality.*

e. *Our dog used to run up towards the crossing to chase rabbits. There was, and sometimes still is, a gap beside the gate. Knowing about near tragedies, where owners have had to run on to the line to try to rescue dogs, our daughter will not let her dogs off the lead in the Rec.*

Extra Comments:

1. *The key question, to which no valid or satisfactory answer has ever been produced is omitted in Q7: "If your answer is NO, what is/are your reason(s) for keeping the crossing open?"*

2. The improvements listed in Q8 are either impractical/unaffordable (as Table 3), or do nothing to prevent misuse or accident to legitimate users on the crossing itself.”

Also letter of 18 November 2014:

“...below, is for Councillors, who will wish to consider with great care cumulative evidence of risks to legitimate users, members of the public, collated in a Safety Audit commissioned by and presented to the Parish Council in 2007, and updated. The Audit also demonstrates a pattern of misuse recurring over a period of 18 years.

1. **Unreported incidents on the crossing – Legitimate Users**

In the Consultation letter, Table 2 lists a handful of recent incidents reported by Network Rail. These are incidents of misuse, reported by drivers. It can be taken as certain that further misuse, unseen and unreported, takes place between the passage of trains. Incidents included in the updated Safety Audit (the original dated 27 March 2007, at Annex A) demonstrate that misuse continues at the Buriton crossing.

This Audit followed a vote taken by the Parish Council (PC) in July 2005 to “try and close the crossing”, and a request by the then Chairman in January 2007 for “documentary evidence of breaches of public safety on Buriton Footpath crossing”.

The Audit revealed to the PC a much wider and more dangerous picture, in a much longer list of incidents experienced by villagers, legitimate and responsible users, over a period, mainly, of about 3 years. These have not been reported to Network Rail. The PC took no action on the Audit.

Villagers know the local geography and the risks, and try to take proper care. The documentary evidence, nevertheless, draws together the accounts of individual villagers: frightening experiences, near accidents, and human tragedy averted only by fortunate timing.

Importantly, however, survey and almost daily observation (I have lived for 43 years beside FP3) show that the large majority of users are not villagers, but visitors to Buriton, attracted from afar (by train, car, with bicycles and on foot) to the Chalk Pits Local Nature Reserve, to the Queen Elizabeth Country Park, and to the South Downs National Park. Visitors in principle do not know the local geography and the risks, and for some the crossing and the sudden appearance of fast trains are a potent trigger for confusion and disorientation. No documentary evidence can be collated, for when visitors go home, they take their experiences away with them. The balance of probability suggests, however, that the broad type and level of incidents documented for villagers is also experienced, albeit in greater numbers, by visitors.

The Safety Audit was attached to the initial closure application submitted by Network Rail in March 2014. It has not been attached to the present, revised application. Updated in places, to consider legitimate use by visitors to Buriton and to document continuing misuse, it is of vital importance.

It is imperative that both lists of incidents, of misuse (Table 2, and the Safety Audit) and legitimate use (the Safety Audit), are considered together by Councillors. Together they imply incidents affecting the safety of members of the public on an ever-present basis, and show in stark relief the clear and present danger of the crossing.

The Law Commission has reviewed level crossing legislation. Its report (25 September 2013) states “Great Britain’s level crossings, although among the safest in Europe, pose a significant rail safety risk to the public”. With insufficient sighting, 132 fast trains a day, access from a popular public Recreation ground, and documented evidence of significant levels both of misuse and of breaches of public safety by legitimate users, the Buriton crossing is among the most dangerous in the country.

Annex A: Buriton Footpath Crossing–Safety Audit dated 27 March 2007, updated 17 Nov 2014”. [See Appendix 11]

r. **“Hidden Danger and Close Encounter**

Trains frequently pass each other either just before or at the footpath crossing. When you wait for one train to pass you may be unaware that another is approaching from the opposite

direction. You can neither see nor hear it as its masked by the visible train. This is a hidden danger to walkers.

One February day in 2013 I was walking in the woods with my 17 year old grandson. Returning to Buriton, we waited while a train shot out of the tunnel towards Petersfield. Immediately it passed my grandson went to cross unaware that a train from Petersfield was bearing down on the crossing. I managed to pull him back as the train sped past us towards the tunnel. It was all so quick but I re-acted instinctively as I'm always very careful when I occasionally use the path. We were both in a state of shock."

- s. "We have young grandchildren (2 at Buriton School) and we never use that crossing as we feel it is extremely dangerous!! The only time we go near it is to photograph and watch 'steam trains'. But Buriton is a very expensive place to live for parents with young children and a good percentage of villagers are elderly and are more aware of the dangers of this crossing. We can understand why they look at this crossing in a completely different way. We can only consider this crossing from a grandparents view!! It is dangerous."
- t. "The siting of the crossing, compared to known others, is such that it engenders an instinctive feeling of danger. The intent is to get across quickly and cleanly."
- u. "I am fit and able-bodied. When using the crossing I was surprised by the rapid approach of a train and needed to move quickly. The sight lines from the crossing are poor and trains usually move quickly over this stretch of track – the nearest stations are a long way away. Clearly this is a dangerous crossing. Whilst train horns are usually sounded as a warning I don't believe this is automatic. Whilst I have not personally witnessed any dangerous incidents, there are many stories circulating in the village about such events and these should not be lightly dismissed or ignored if safety is your concern. For instance, one such story involves the placement of a traffic cone on the tracks.

Comments: I urge the County Council to support the closure of this crossing. There are two grade-separated crossings of the railway track in close proximity to this site (i.e. at Kiln Lane and South Lane) – both within 100 meters of the at-grade crossing. These provide safe and expedient routes whatever the desired pedestrian route may be. The additional route for ramblers is just 160 metres, a trivial distance for walkers in the countryside. This is a countryside route, not one necessary for the daily needs of local inhabitants.

Buriton Parish Council is proposing to re-locate the children's play area on the recreation ground to a position close towards this dangerous crossing. With the woods and chalk pits to the south-west of the rail line providing great play venues, this will increase the number of children likely to use this crossing, some of whom will not be accompanied by an adult.

The social balance sheet, between minor inconvenience for ramblers as against improved safety for all and particularly for children, is clear. Please allow Network Rail to close this crossing as soon as possible."

- v. "1. Christmas morning 2009. Dog breaks away from constraint on crossing to pursue rabbits on embankment, electrocuted, but remaining across conducting lines was pulsating with electric current. Grandchildren visiting for Xmas ran down the track to rescue dog which they mistakenly thought to be alive due to movement. (Unfamiliar with electric rails.) Their mother, plus a further dog ran frantically behind down the track to restrain them, cognisant of their unfamiliarity with live rails. A multiple disaster was averted by a very narrow margin. Mum, wearing 'industrial wellies' kicks corpse off the line – buried in garden – Christmas lunch followed – not too festive. Press coverage was about the dog – the real drama was the imminent death of two small children. Quote from a Buriton bigot 'it's all down to parental control'.

2: As warnings are manually operated by drivers there is a human factors risk; the most common cause of accidents.

3: Expediency and Convenience. The 160 mtr. increase in alternative routing is not contested but needs examined as to impact on residents. Virtually all residents live north of the High Street. Other than by vehicular routing, access thereto is either by Petersfield Rd. (opposite Kiln Lane) or by North Lane (opposite South Lane). The High Street itself has few residences. In the Kiln Lane direction (from village hall) a negligible few: towards South Lane, the favoured

alternative, there are at a glance 14 domiciles. 10 of these are closer to South Lane than to the Village Hall. That leaves 4, whose occupants are either retired or itinerant with no call on the crossing. In summary, footpath 3 is the longest route to access a given point in the woodlands beyond the railway i.e. for almost the entire Buriton population.

It could be noted that beyond the railway is a maintained woodland path running from South Lane to Kiln Lane. For some reason it stops a few metres from Kiln Lane, trivial to remedy and thereby completing a circuit of alternative routes. Presumably this is not a Network Rail concern but falls within the influence of the P.C. (who do not appear to have an interest in solutions).

4: The allure of the crossing to children is alluded to. Buriton is a prime case as the crossing is shrouded in woodland and on the school playing field (necessitating periodic safety lectures to the children). Two of my own experiences follow:

a) An incendiary device, a 'bomb', was detonated on the south side path. This consisted of 8 or more propane canisters that had been taped together and placed on a fire. Two (?) had exploded, blowing the remainder and much of the fire far afield. I collected some of the unexploded but distorted canisters and still retain them. The actual time of the incident is unknown as are its perpetrators.

b) A group of youngsters of both genders were struggling up South Lane with a large TV CRT (not a good idea anyway). The stated intent was to place it on the crossing rails and watch a train go over it. I saw them off. They went further up the hill to ends unknown.

It would seem that the young have unnecessary exposure to the crossing. I can say with confidence that the only regular, if periodic, users of the crossing are young wives delivering or collecting their children from Buriton primary school. The key here is being able to walk their dogs at the same time, albeit that the crossing is not requisite to their school-run route. The walk is over the playing field – the crossing – returning down South Lane. I know them well as friends passing by. As has been observed, the combination of parents, children, dogs and a crossing with steep slippery access is not a happy marriage.

There is no footpath 3 in evidence save as maintained as a spur on the South Side of the railway – connecting to South Lane.”

Letter of 11 November 2014:

“Under separate cover I have responded to your questionnaire, as requested, on the basis of personal experience. What follows are some circumstantial observations that you may find helpful.

1. Increased risk to pedestrians from converging trains.

(this has been the subject of overseas research confirming same. I do not have the papers or Ref.; possibly N-Rail has.)

From observation, trains travelling 'up' and 'down' frequently pass each other over the crossing. This adds to confusion, limited visibility, inability to discern warnings etc. Greater danger arises where the convergence has a small time interval; e.g. one train at the crossing, another approaching some way off, the noise and warnings of one obscuring those of the other. The unwary could be misled as to "all clear", particularly with the already limited line of sight as highlighted in the survey document.

In an attempt to quantify such increased risk I have tabled below two blocks of timetable stats. as they relate to Petersfield. Allowing that there will be some minor variations, for better or worse, it is remarkable just how many 'up and down' convergences there are. My example is limited but representative of daily traffic (>240!)

UP: 0733 0746 0809 0818 0848 0857 0918 0948 0957 1018 1048 1037

DN: 0736 – 0811 – 0846 0907 0915 – 1000 1011 – 1034

UP: 1548 1557 1610 1618 1648 1657 1710 1718 1748 1757 1818 1848

DN: – 1600 1611 – 1645 1702 1711 – 1745 – 1814 1846

2. Pedestrian gates jammed open

This I observed some years past. In the interim a second gate has been added in tandem to reduce the danger. That itself derives from the fact that the southerly approach to the crossing is steeply down-hill.

My family inform me that in current times both gates are now being wedged in the open position. This has been attributed to children. A further explanation is that it is the work of a local cyclist (others say equestrian?) Either way, the theory is that the distance between each gate is such that to pass through with a cycle (horse?) requires employment of more arms and hands than the individual is endowed with.

More to the point, more prudent human intervention is absent due to the remoteness and forestation combined with the general lack of foot traffic.

3. Expressions of contra opinion

The questionnaire seemed well balanced and pertinent.

In any ensuing consultation process it will emerge that for over a decade of lobbying for extinguishment there has been resistance and perfidious behaviour from persons in authority (now professing neutrality).

In my view responses to the questionnaire would have been enriched by illumination as to why respondents wanted to keep the crossing open, in such cases. This contrasts with those in favour of extinguishment being invited to substantiate that view. Yet, those against were not asked why. That is the question that has torn the village apart. Only the most whimsical reasons have been offered for the retention of the redundant, dangerous facility. Something of substance would at least have supported debate. Folks are very frustrated."

- w. *"The trains are very fast (it is the main Portsmouth/London line) and there is very limited visibility. I worry about the children getting their feet stuck. We only use it because it's there. My heart is in my mouth when I have my children with me who are a four year old and a nine year old boy."*
- x. *"Trains are not visible. Crossing is at a point where trains approach from both directions. At the same time. Horns do not sound before 7am, so at that time there is no warning whatsoever. There are already two other bridges going under the line within a few hundred meters of the crossing. It is situated on the edge of a children's play area and recreation ground where dogs are also walked. My dog has attempted to run up to other people who are using the crossing, had he got past them he would have been loose on the railway line. Friends staying with us followed the footpath sign and found themselves (horrified at no warning sign on the approach) on the crossing. As the owner of a business providing food, drink and accommodation to walkers, cyclists and other holiday makers, we regularly have to explain alternative routes to those who have been directed towards the crossing by signs or maps. A lot are quite disturbed to find such a dangerous situation, with no signage at all on the approaching paths either side. It is not at all safe to have a dog off the lead in the vicinity of the crossing, but those who are visiting the QE Park or Chalk Pits would have no idea of the danger. There are perfectly good and far more picturesque alternative paths but even if you don't use the crossing yourself it remains a danger to your animals or children as it is so easily accessible."*
- y. *"A group of four children (aged under 11) playing chicken with the trains on the line. A Father and toddler child picnicking on the top step next to the line. Father seated on step, unrestrained toddler on rail side. Dog trapped between gates on South side. These gates are often propped open by cyclists and groups (walking); they regularly fail to close them. Groups (families with children) blackberry picking on the railside of the fences. The provision of access to a high speed rail from a public recreation ground and footpath is an accident waiting to happen."*

I have warned people mis-using the crossing that the line is electrified. They argue that it must be safe otherwise there would be no access; that the line is only 'live' when the train is using it.

People using the crossing seem to assume that it is safe because the 'authorities' allow access by the general public.

Copy of letter to Buriton Parish Council attached [below]:

27 March 2007

To Whom it may Concern

Dear Sirs,

Railway Pedestrian Crossing from the Recreation Ground to the Bridleway

I write in support of any representations that the Parish Council undertakes to make to the relevant authorities in support of the closure of this unsafe crossing and the consequential diversion of the footpath to the underpass at Toads Alley, or via the road under the bridge at Kiln Lane.

I live and work on the piece of land overlooking the recreation ground bordered by the main London to Portsmouth line, the footpath to the pedestrian Crossing and Kiln Lane.

As a consequence I have been witness to some of the disturbing events and their consequences on the railway line over the last twenty years.

The most distressing of these was the apparent suicide in the railway tunnel, several years ago of a man who was seen accessing the railway land via our land and the crossing.

Young teenagers and children often use the crossing gates to gain access to the line. I am aware that local children (some now adult) have played "chicken" with the trains in motion, and have planted coins and other debris on the rails so that they can watch the sometimes spectacular effects from the live rail.

Parents and adults with children and toddlers using the crossing as access to the railway line seem unaware that within feet of the boardwalk the rails are permanently electrified and that contact with the live rail can kill instantly. Some seem to think that the red and green signal lights are for the benefit of the pedestrians, and not the train drivers, and are not aware that trains can appear from both directions, sometimes simultaneously.

Parties accessing the crossing increase dramatically during the school holiday periods and bank holidays, when visitors to the recreation ground are most numerous.

During a car boot sale last year I came across a father with his toddler son picnicking at the top of the staircase adjacent to the boardwalk over the line. The child was playing between the picnic spot and the crossing point, next to the line.

The trains, due to the recent improvement works on the line and replacement rolling stock are significantly quieter and faster. The only significant audible warning is from the train horns. These are clearly activated manually, and the time is allowed for people to evacuate the line varies.

Signage is by any standards inadequate, and the dangers are not clearly explained. Children sometimes cannot see, read or understand the boards.

The gate at the forest end of the footpath to the railway line is often left wedged open, either by woodland debris which falls to the bottom of the slope, or more often by people bringing parties of children, dogs, bicycles and pushchairs to the crossing.

This allows unrestricted, open access to the line for the next party.

There are two alternative safe crossings each within 50 yards of the existing crossing leading from the children's playground.

I am not in favour of losing, or diverting ancient (or more recent) rights of way.

However, unless and until the crossing can be made safe, failure to take action to ensure the safety of its occupants and visitors and to avoid further tragedy will be the responsibility of this community."

Respondents with no response to Question 4, provided the following comments:

- a. "We never use it as there is a better route via South Lane. Therefore have no desire or need to use it."
- b. "As I do not personally use the level crossing, I do not have strong views. I feel that it is important that the views of the people using it are taken into account. This seems a difficult issue to solve but for me closure would be acceptable and safety is important."
- c. "1. To have a crossing in a recreation ground is dangerous for people and animals. 2. To remove it would be better for train drivers not an extra worry. 3. There is a pathway by the pond to take you to the chalk pits, the level crossing is not necessary."
- d. "The questionnaire itself does not seek opinions unless you are a user of the crossing. As residents of Buriton we choose not to use the crossing as there is a significantly safer alternative nearby. We believe that the extra few hundred metres is a small price to pay for closing access across the railway line. This does not mean that the right of way has to be extinguished as a traffic regulation order would prevent access. Allowing Network Rail to close the crossing significantly reduces the risk of accidents. Retaining the rights of way may allow future generations to 'join up' the paths should rail travel ever cease. The option of a traffic regulation order seems to us the optimum compromise."

The following diagram shows the words most frequently used over all responses.

Green writing is used for those saying 'yes' to closing the crossing.

Blue writing is used for those saying 'no' to closing the crossing.



7.6 How inconvenienced would people in your household be if Buriton footpath level crossing was extinguished, considering the underpass at South Lane and the bridge at Kiln Lane? (Numbers on chart indicate individual responses.)

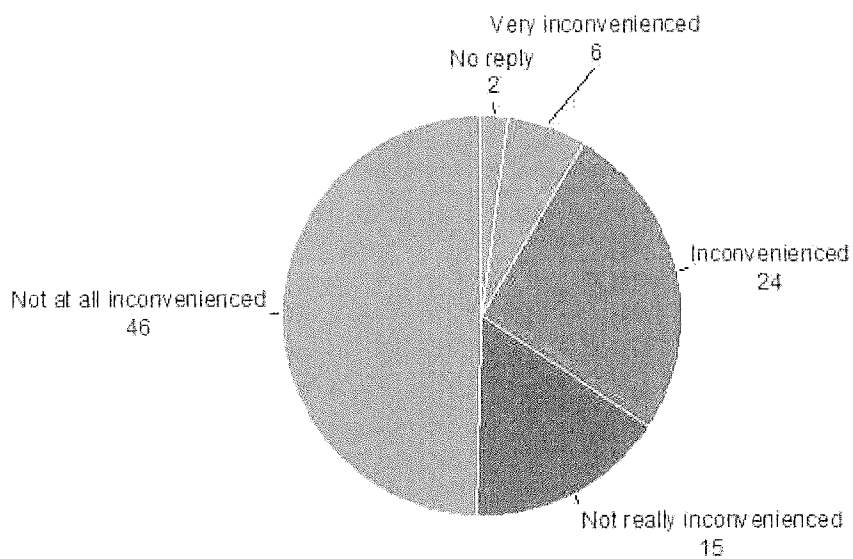
Very inconvenienced = 6.5%

Inconvenienced = 25.8%

Not really inconvenienced = 16.1%

Not at all inconvenienced = 49.5%

No reply = 2.1%

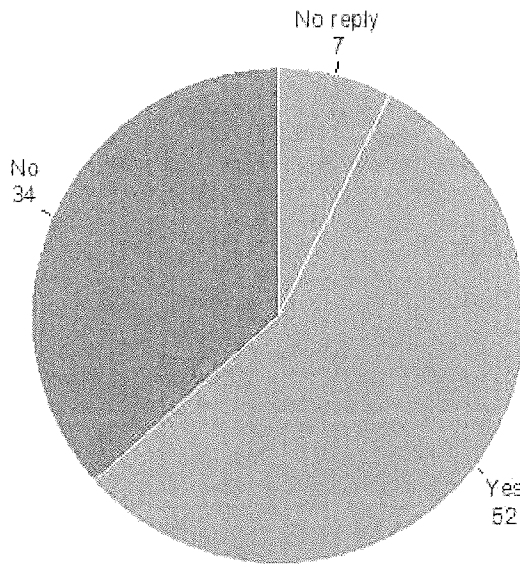


7.7 Do you think Buriton footpath level crossing should be extinguished? (Numbers on chart indicate individual responses.)

Yes = 55.9%

No = 36.6%

No reply = 7.5%



7.8 Rather than extinguishment, would you like to see any safety improvements implemented at Buriton footpath level crossing?

