



Network Rail
Freedom of Information
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12 October 2017

Dear

Information request

Reference number: FOI2017/01141

Thank you for your request of 28th September 2017. You requested the following information:

I am writing to make an open government request for all the information to which I am entitled under the Freedom of Information Act, 2000. Thereby, please send me:

- *All documentation, correspondence or other communication (in whichever format, including electronic) that relates in any way to Network Rail's decision to position the notices that read 'Highways Act 1980 – Network Rail gives notice that this way is not dedicated to the public' either side of the barrow crossing at Halesworth Station in Suffolk. It is evident that these notices have been positioned only in relatively recent times, but the actual date of their installation is unknown.*
- *It will be understood, thereby, that the date on which these notices were mounted at the said station is of great significance with regard to the Highways Act 1980 s 31. As the date of the erection of such a notice would be considered the date on which any public usage of the way was brought into question. I have little doubt, therefore, that Network Rail will have retained a record of the date on which these notices were mounted, and I request that any official record of this date be sent to me.*

If this request is too wide or unclear, I would be grateful if you could contact me. As I understand that under the Act you are required to advise and assist requesters. If any of this information is already in the public domain, please can you direct me to it, with page references and URLs if necessary.

If the release of any of this information is prohibited on the grounds of breach of confidence, I ask that you supply me with copies of the confidentiality agreement and remind you that information should not be treated as confidential if such an agreement has not been signed.

I understand that you are required to respond to my request within the 20 working days after you receive this letter. I would be grateful if you could confirm in writing that you have received this request.

The relevant legislation

I have processed your request under the Environmental Information Regulations 2004 (EIR) as the information requested is environmental according to the definition in regulation 2 of the EIR (section 39 of the Freedom of Information Act 2000 (FOIA) exempts environmental information from the FOIA, but requires us to consider it under the EIR).

Notice at Halesworth Station

I can confirm that we hold some of the information you requested.

We have searched our files and have found that whilst there are references to the crossing not being a public right of way, there is no written instruction for 'non-dedicated' signs to be erected. Our liability negotiations team have advised that they gave a verbal instruction at the time signage at the crossing was being renewed. As this is a standard sign and is available within our depots it does not require detailed correspondence.

We do, however, hold an FAQ from March 2016 and the electronic version of the main sign telling people how to use the crossing. I have attached this referenced "FAQ March 2016".

With regards to your second point, the earliest photographic evidence of the signs in question is dated 25th May 2016 and I have attached a photograph. The signs were erected to advise the public that no public right of way existed. It should be noted that under Section 57 of the British Transport Commission Act 1949, no right of way can be acquired through a station or along its approaches. The presence of 'non-dedicated' signs is not required for this protection to apply.

57. As from the passing of this Act no right of way as against the Commission shall be acquired by prescription or user over any road footpath thoroughfare or place now or hereafter the property of the Commission and forming an access or approach to any station goods-yard wharf garage or depot or any dock or harbour premises of the Commission.

If you have any enquiries about this response, please contact me in the first instance at FOI@networkrail.co.uk or on 01908 782405. Details of your appeal rights are below.

Please remember to quote the reference number at the top of this letter in all future communications.

Yours sincerely

Anisha Pandya
Information Officer

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Appeal Rights

If you are unhappy with the way your request has been handled and wish to make a complaint or request a review of our decision, please write to the FOI Compliance and Appeals Manager at Network Rail, Freedom of Information, The Quadrant, Elder Gate, Milton Keynes, MK9 1EN, or by email at foi@networkrail.co.uk. Your request must be submitted within 40 working days of receipt of this letter.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Using Halesworth barrow crossing safely

- Only use the crossing if you are a station user. It is not a public right of way.
- Cross only if there are no trains in either platform and check no trains are approaching.
- Get off your bike before crossing and stick to the crossing and off the track.
- Always keep moving. Don't stop on the crossing.

Thank you for using the crossing safely.



March 2016

Halesworth Station Barrow Crossing – Information for residents

Dear resident

Thank you for contacting Network Rail and for attending our public information event on 17 February, if you were able to come along. We understand local feeling and this information sheet is intended to answer the questions we were asked at the event and those we have received subsequently.

Background

As the company that runs and operates the railway infrastructure our first priority is to make sure that everyone who travels on a train, uses one of our stations, or crosses at a crossing is as safe as possible.

The barrow crossing at Halesworth Station is provided to help rail passengers cross from one platform to another. It is not provided as a short cut from one side of the town to the other. There was a public road level crossing (this is the reason for the existence of the wooden platforms, which would be swung across the road when a train was in the station), but this was closed and all rights were diverted to the newly-built Norwich Road bridge in 1960. Linking footpaths from the station to Norwich Road were also created at this time. We have confirmed this with Suffolk County Council.

There is no such thing as a completely safe level/other crossing and we are challenged to close crossings wherever this is practical to prevent an injury, or worse, from happening. Whilst the number of train services passing through Halesworth is relatively low (although it has doubled in recent years), the crossing here is ranked very highly on our risk assessment system. This is primarily due to the the number of people using it, the majority of which are not rail passengers.

There have been three close call incidents reported to us by train drivers since July 2014. A close call is a situation that could have resulted in an accident or injury.

Our proposal

Whilst we are not required to consult the public on plans where there is no public right of way, we know the right thing to do is to talk with and listen to local people who might be affected. We may alter our plans where this is practical but will always make the decision that means people are as safe as possible.

Currently, we plan to close the barrow crossing at Halesworth, diverting station users via the existing public footpaths and Norwich Road bridge. We are still reviewing this option and the final decision has not yet been decided. More information about this plan can be found in the following pages.

Contact us

If, once you have reviewed this document, you have any further questions please call our 24/7 national helpline on **03457 114141**. Alternatively, you can submit your query online at **www.networkrail.co.uk/contactus**.

Yours faithfully,

A handwritten signature in black ink, appearing to read "J. Bate".

Answers to your questions

Please find below answers to some of the questions already raised by local residents.

Reasons for closing the crossing

1. *Why are Network Rail looking to close the barrow crossing at Halesworth?*

Our current risk assessment for this crossing identifies it as being high risk, primarily due to the number of people that use it. It is the second highest risk station crossing on Anglia route (after Thurston). Whilst there have been no reported injuries or serious incidents, we cannot wait for there to be one before we take action to reduce this risk.

Although the number of timetabled passenger services is relatively low, delays or disruption elsewhere could mean trains run through the station at unusual times, and untimetabled services or engineers' trains may also pass through without stopping.

In addition, there have been numerous recorded incidents of misuse. In the recent 6 day motion-activated camera census, 16 instances of misuse were observed. There have also been three close calls reported to us by drivers since July 2014.

2. *When will the barrow crossing close?*

As this is just a proposal at this stage we do not yet have a date for closure of the crossing. However, it is likely to be a matter of months, not weeks.

3. *Is the decision already made?*

No, the final decision has not yet been made, but to close the crossing and divert users to the existing public highways via Norwich Road Bridge is our preferred option. We are currently reviewing options highlighted in the risk assessment at the crossing to improve safety.

Public right of way, diversionary route and alternative options

4. *Is the barrow crossing a public right of way?*

The barrow crossing at Halesworth is not a public right of way. All public rights were diverted to Norwich Road bridge in 1960, when the new bridge and linking footpaths were completed. No public right of way is now recorded through the station. This issue was raised at the public meeting but we have confirmed this to be the case following discussions with Suffolk County Council.

5. *Has this crossing become a public right of way?*

The British Transport Commission Act 1949 specifies that a right of way cannot be established through a railway station by prescription. Therefore, the use of the barrow crossing to date does not establish the route as a public right of way.

6. *Is the proposed diversionary route less accessible to those less able to walk, or those with pushchairs and luggage?*

In view of the increased distance between the platforms for some users, we acknowledge that some improvements to the footpaths may be desirable. If the decision is made to close the crossing we will work with Suffolk County Council, Halesworth Town Council and Abellio Greater Anglia to understand what can be done. This may include, for example, improved lighting, resurfacing and rest areas.

It is also worth noting that the approaches to the barrow crossing is not compliant with current standards for accessibility, with wheelchair users currently being advised to use the route via Norwich Road, and whilst the barrow crossing itself complies with standards, guidance from the Office of Rail and Road is

that level/other crossings should only be used for station access where alternative routes are not available.

7. *What other options have Network Rail considered?*

The main alternatives to closing the crossing in favour of diversion would be either a footbridge or underpass. Neither of these options would be feasible in this location. A fully accessible footbridge would require ramps of approximately 300 metres to reach the required height. There is no suitable location for an underpass.

Both of these options would also be expensive. For example, a ramped footbridge would cost approximately £3 million and an underpass would cost significantly more. It is unlikely that we would be able to secure funding for these measures as our role is to enhance stations for rail passengers, the numbers of which are low here compared to other stations in need of an accessible way to change platforms.

For more information about the Access for All scheme please visit our website at:
www.networkrail.co.uk/accessforall

8. *Could Network Rail not install electronic gates at the crossing to prevent people crossing when a train is coming?*

No. Not only is magnetic equipment to lock gates unreliable, it is also not possible to have such a facility unless a signaller monitors each closure of the crossing to ensure nobody is trapped on the railway.

Past experience shows that some people, arriving at the station at the last minute, will jump or otherwise circumvent locked gates if they wish to catch their train and find the gates locked, exposing themselves to very high risk. The process of closing a crossing for an approaching train takes time which would require a locked crossing to close several minutes before a train arrives, which could further increase misuse.

Additionally, we do not have capacity at the local signalbox, nor the funding to deliver this scheme.

9. *Could Network Rail not man or use CCTV at the crossing?*

Network Rail would not do this as the station is leased to Abellio Greater Anglia (AGA). We are having discussions with AGA as to whether it would be possible for them to man the crossing.

CCTV is not currently an option for us as there is no capacity for the local signalman to continuously monitor this.

10. *Why can't a speed restriction be put in place to reduce the risk on the crossing?*

Wherever possible, the contractual arrangements of the railway system mean we are required to remove speed restrictions. We also aspire to increase line speeds to reduce journey times for rail passengers. We are currently reviewing the impacts of a speed restriction through Halesworth Station and the wider area, which will be assessed in the updated risk assessment for the crossing.

11. *Could you install lights/audible warnings like at other crossings?*

We do not believe this is a viable option at Halesworth. Our experience at other station/barrow crossings is that when the miniature stop lights or alarms turn to red/sound a warning, it acts as a 'hurry up' to passengers and they then proceed to risk their lives crossing against the warning to catch their train.

12. *Would a new ticket machine be installed on the Ipswich bound platform?*

This would be a question for Abellio Greater Anglia (AGA) who are responsible for ticketing. However, it is worth noting that you can purchase tickets onboard services calling at Halesworth without penalty. The impact on those that collect tickets from Halesworth is being assessed by AGA.

13. *The local bus timetable is in sync with the arrival of train services. People will no longer be able to catch their normal service, and vice versa. What will Network Rail do about that?*

We will inform Anglian Bus of our plans and see what may be done to alter either the train or bus timetables. However, buses in both directions also stop on Norwich Road bridge, so it may be more convenient for passengers to catch their bus there.

14. Has Network Rail considered the demographics of people who live in Halesworth and the impact closure will have on them?

Yes, although our primary concern is rail users. We will be undertaking a full 9-day census to better understand the use of the station and crossing. This will form part of our diversity impact assessment.

Safety

15. We've never had an accident, why are you proposing to close the crossing now?

Whilst it's true we haven't experienced a significant injury or fatality at the crossing, we have a duty to reduce the risk to all rail users. We cannot wait for an incident to occur before taking appropriate action at a crossing that through our on site assessments and risk models represents a significant risk to users.

16. If you close the crossing people will simply jump down on to the tracks to cross. Doesn't this increase the safety risk?

As with any station where there is no direct access from one platform to another there is a risk that members of the public will risk their lives to cross via the tracks.

If we close the barrow crossing we will install fencing and other measures to prevent people from continuing to use the existing route. We will also work with Abellio Greater Anglia and the British Transport Police (BTP) to see what additional measures we can put in place to prevent future trespass. However, we will not be able to stop those who are determined to jump down from the platform. This would, however, be illegal and any such action could be investigated by the BTP.

17. Sighting for trains is good. Surely there is enough time for people to cross safely.

Yes, sighting distance is good and all passenger trains are scheduled to stop at Halesworth. However, the line speed is 55mph and engineering trains do go through the station at this speed.

The nature of railway operations can mean that delayed passenger trains do not stop at the station.

18. Have you completed a risk assessment for this crossing?

Yes, the assessment is completed to a national standard and considers a range of factors including number of services, train speed and pedestrian use.

Copies of the most recent assessment are available by submitting a Freedom of Information (FOI) request. Information on how to do this can be found on the Network Rail website at www.networkrail.co.uk/FOI or by calling our FOI team on 01908 782 405.

Please be aware that we are reviewing the risk assessment following feedback from the public meeting and our subsequent discussions with AGA. The revised assessment will be made available prior to the next public meeting in Halesworth.

19. How will crowds be controlled when the Latitude festival takes place?

As with any large event we work with the organiser, train operator, local authority and British Transport Police to agree plans to make sure rail users can board or alight trains safely. This would not change if the barrow crossing is closed, although the plans may be different from previous years. It is worth noting that it is generally easier to manage crowds where there is not a level or other crossing on their route.

Other

20. Who owns the footpath on the east (up) side of the station?

We have confirmed this is owned and maintained by Suffolk County Council. It does not appear on the Definitive Map of public rights of way, but it is an adopted public highway.

21. When we will get high speed trains at Halesworth?

There are currently no plans to bring high speed services to Halesworth.

22. By closing the crossing you may have a negative impact on the town and its businesses. What is Network Rail going to do about that?

The safety of rail users is our first priority. However we understand these local concerns. We will work with Halesworth Town Council to better understand any issues raised about the potential impact on businesses. If there are practical things we can reasonably do to assist the town, we will. We do not believe there will be any serious negative consequences by closing the barrow crossing, but we do fear a serious incident if it remains open.

23. Have the people who are making the decision about the future of the crossing visited the site and walked the diversionary route?

Yes, the Area Director, Route Level Crossing Manager and Sponsor responsible for ensuring safety and undertaking works at crossings across the Anglia have visited Halesworth and walked the diversionary route both during the day and at night.

24. How many other similar crossings are there at other stations on the Anglia route?

There are 10 similar crossings at stations on the Anglia route and a further 110 in the rest of the UK.

Level crossing information

Name: Halesworth Stn
O.S. Grid reference: TG 389779
Mileage: 100m 47ch
In emergency telephone: 01728602727

Highways Act 1980

Network Rail gives notice
that this way is not dedicated
to the public