



Working for a brighter future together

Highways and Transport Committee

Date of Meeting:	16 November 2021
Report Title:	Closure of Mill Lane Level Crossing, Barthomley
Report of:	Andrew Ross, Director of Highways and Infrastructure
Report Reference No:	HT/37/21-22
Ward(s) Affected:	Haslington

1. Executive Summary

- 1.1. Network Rail are promoting the downgrade of Barthomley Level Crossing following a programme to review and improve the operational safety of the railway. To legally stop up the section of road to vehicle users, it has been agreed through discussions between the Council and Network Rail that a Section 249 is the most appropriate mechanism.
- 1.2. The purpose of this report is to confirm the changes proposed to Barthomley Level Crossing (Mill Lane, Crewe) and seek a resolution from the Council for an application to the Department for Transport to make a Section 249 Town and Country Planning Act 1990 Order on behalf of Network Rail to remove vehicular access and restrict the crossing to bridleway rights (for pedestrians, cyclists and horse riders).
- 1.3. The effect of the Order will be to improve the amenity of the area whilst only having minimal impact on local road traffic. Network Rail has carried out consultation on the proposal and to date hasn't received any objections. In applying to the Secretary of State for Transport to confirm the order further statutory consultation will be carried out by the Department for Transport.
- 1.4. By removing vehicular access at this crossing, it will contribute to the Council's aims in its Corporate Plan by providing a transport network that is safe, and supports active travel.

2. Recommendations

2.1. The Committee is recommended to:

- 2.1.1.** Authorise the Director for Infrastructure and Highways to make an application to the Department for Transport that a Section 249 Town and Country Planning Act 1990 Order be made on behalf of Network Rail to remove vehicular access and reserve bridleway and pedestrian rights at Barthomley Level Crossing, Mill Lane, Crewe.
- 2.1.2.** That the application for the Order is not made until an indemnity or suitable undertaking is received from Network Rail to cover off any potential compensation costs related to Section 250 of the Town Country Planning Act 1990 and that Network Rail will install the turning head before the closure of the crossing to vehicular traffic.

3. Reasons for Recommendations

- 3.1.** The proposal will remove an existing less safe through-route with a manually operated level crossing over a railway line, preventing misuse by vehicular traffic whilst reserving bridleway and pedestrian rights. This will also improve the amenity of the area by enhancing the route for pedestrians and horse riders by making a safer more desirable route.
- 3.2.** The removal of vehicular rights from the crossing will reduce the through traffic on to Mill Lane Crewe whilst maintaining access to all properties and land. This will further add to the amenity for the landowners who will benefit from reduced traffic volumes.
- 3.3.** Consultation undertaken by Network Rail has demonstrated that there are no significant concerns from the local community.

4. Other Options Considered

- 4.1.** Network Rail have undertaken a full option assessment report to review the safety of the crossing and the methods of improving safety. It has concluded that the only cost-effective solution is the closure of the crossing to vehicles.
- 4.2.** Other routes to apply for the closure of the crossing have been explored, including Section 116 and Section 247 of the Highways Act. Advice has been received that these routes would take longer and delay the ability of Network Rail to implement the works at the same time as other planned works on the line.

5. Background

- 5.1.** Barthomley Level Crossing is a user operated crossing on Mill Lane, CW1 5NX. This crossing is subject to frequent incidents of misuse where vehicle users leave the gates open after traversing the crossing. Refer to Appendix A for a record of safety incidents.

- 5.2.** Due to misuse by vehicle users, Network Rail has undertaken a feasibility study and looked at several solutions to improve safety at Barthomley Level Crossing. The preferred option is to permanently close the level crossing to vehicles, but retain access for pedestrians, cyclists, and horse riders.
- 5.3.** The level crossing will be downgraded to a bridleway crossing. This will require the removal of the existing gates and replace with self-closing gates of 1.5m in width. Mounting blocks will be provided either side of the crossing on the highway as horse riders will be required to dismount before traversing the crossing. Refer to Appendix B for the ground plan.
- 5.4.** Road Safety Audits will be undertaken upon completion of detailed design and commissioning of the crossing works.
- 5.5.** Road signage will be required to indicate that the road is closed to vehicles. Locations and type are shown on the ground plan, Appendix B.
- 5.6.** A vehicle diversionary route has been proposed and is attached as Appendix C. This route makes use of existing roads, starting the route from south of the crossing, Mill Lane joins onto Barthomley Road, then onto Butterton lane (B5077) then joining back onto Mill Lane from the north approach. The diversion makes use of the Barthomley Road overbridge to cross the railway line. The vehicle diversionary route is approximately 5.4km assuming start and end destinations is the level crossing i.e., worst case travel, with average travel time of 8 minutes.
- 5.7.** The average usage per day of the crossing based on a weeklong survey in June 2018 was:
- 11 vehicles
 - 1 horse rider
 - 9 pedestrians
 - 26 cyclists
- 5.8.** It is proposed to provide a turning head on Mill Lane which will become adopted public highway under a separate S278 agreement with Network Rail. The delivery of this proposal is dependent on Network Rail acquiring land from the Duchy of Lancaster. The application for the Order will not be made until this facility is provided by Network Rail.

6. Consultation and Engagement

- 6.1.** The following consultation has taken place by Network Rail:

6.1.1. Cheshire East Council:

Consultation began with Cheshire East Highways and the Public Rights of Way Unit in 2018. Cheshire East advised that Mill Lane was a popular walking and cycling route and therefore full closure with diversions would not be supported. Cheshire East Highways Council's Corporate Plan 2021-25 provides policy support for the retention of a bridleway crossing, providing access for pedestrians, cyclists, and horse riders.

This support was conditional that a turning head was provided to the north of the crossing to enable refuse vehicles to service Lower Crossing Cottage, located next to the crossing. The land required for the turning head is owned by the Duchy of Lancaster. The Duchy of Lancaster are supportive of our works to the crossing and are working with Network Rail to enter into an agreement. The Duchy of Lancaster have confirmed the location of the turning head and a draft general arrangement drawing is attached as Appendix D.

A pre-planning application has been submitted and comments made by Cheshire East Planning. A full planning application for the turning head will be made on completion of final drawings.

6.1.2. Duchy of Lancaster (including their tenant at Walnut Tree Farm):

Consultation has been ongoing since 2019. Draft Heads of Terms are in place and under review. Once completed this would enable Network Rail to acquire the land required for the turning head.

6.1.3. Local residents in the immediate vicinity of the crossing:

Face to face discussions taken place during 2019 and 2020 with:

- Lower Crossing Cottage
- Mill Cottage
- Mill Lane Cottage
- Mill Farm
- Daisy Cottage

6.1.4. Virtual Public Consultation:

Event held 25th February 2021 – no significant issues raised by those who attended or submitted email comments. Attendance by Mary Addison as Ward Councillor. Follow up call with Councillor Stephen Edgar. Further details were provided to Alsager Town Council but no response was received.

6.1.5. Barthomley Parish Council & Ward Councillor:

Last meeting held with the Parish on the 06th January 2021 with Network Rail. Councillor Stephen Edgar also attended. No issues were raised.

6.1.6. Ansa:

Ansa have been consulted with to discuss the change in routes required and the options considered for the location of the turning head.

6.1.7. Smiths Green Livery:

Confirmed as regular users of the crossing and provided advice on crossing times, width of gates.

6.1.8. Oakhanger Riding Club:

They advised that they didn't use Mill Lane for hacking.

6.1.9. Sustrans:

No issues raised and support that the crossing will be retained for cyclists.

7. Implications

7.1. Legal

- 7.1.1.** A Section 278 Highways Act 1980 will be entered into with Network Rail to provide a legal agreement to make permanent alterations to the public highway, Mill Lane.
- 7.1.2.** A Section 249 Order Town and Country Planning Act 1990 will be applied for by the Council to remove vehicular access and maintain bridleway rights at Barthomley Level Crossing.
- 7.1.3.** Under Section 250 Town and Country Planning Act 1990 any person's interest that is devalued because of the making of the Order shall be entitled to seek compensation if the devaluation is attributable to the Order. Necessary indemnities need to be received in respect of any compensation claims from Network Rail before the application is made to the Department for Transport.
- 7.1.4.** Planning permission will be required to enable a turning head to be provided to the north of Barthomley Level Crossing. A pre-planning application has already been submitted and commented on, reference PRE/1049/20.
- 7.1.5.** If the application is submitted to the Department for Transport they will contact the following bodies for further representations before granting the Order:
 - The Local Parish Council;
 - the Emergency Services; and
 - Statutory Undertakers.

7.2. Finance

- 7.2.1.** All costs incurred by Cheshire East will be reimbursed by Network Rail. An abortive costs letter has been signed by Network Rail. This means that if the proposal does not proceed, or the Order is not confirmed for any reason, any costs incurred by the Council will be recoverable.

7.3. Policy

- 7.3.1.** This proposal aligns with Network Rail's 'Enhancing Level Crossing Strategy 2019-2029' and the Office of Rail & Road (ORR) Principles for managing level crossing safety.

7.4. Equality

- 7.4.1.** An Impact Assessment has been completed and is attached as Appendix E. This is a live document and will be updated as the project moves through the remaining project lifecycle.

7.5. Human Resources

- 7.5.1.** Cheshire East Highways, Legal, Planning and Rights of Way resource will be required to input into the proposals to downgrade the crossings.

7.6. Risk Management

- 7.6.1.** Level crossings are assessed using the All Level Crossing Risk Model (ALCRM) which is the industry accepted risk modelling support tool. The ALCRM for Barthomley is recorded as very high for the vehicular element of the crossing.
- 7.6.2.** The risk at this crossing is because vehicle users fail to use the crossing correctly. They leave the gates open after driving over the crossing.
- 7.6.3.** The risk score for pedestrians / cyclists / horse riders is much lower. These users will have miniature stop lights to provide a visual indication of whether it is safe to cross or not. There will also be an audible warning when the lights turn red and a train approaching. The gates will be self-closing so there is no risk of these being left open. As part of the engineering design work, assessments have been made as to the appropriate crossing times for either a pedestrian, cyclist and horse rider.
- 7.6.4.** The ability to deliver the turning head as part of the proposed S278 Agreement with Network Rail is dependent upon Network Rail and the Duchy of Lancaster agreeing the land acquisition. However, Network Rail will provide an Undertaking that these works will be completed before works to close the crossing to vehicular traffic are implemented.

7.7. Rural Communities

- 7.7.1.** The census data, as shown in Appendix G, shows the crossing has a high usage from cyclist and pedestrians. This access will remain by creating bridleway rights over the crossing.

Network Rail is also working with the Duchy of Lancaster and their tenant about the renewal of the accommodation bridge to enable movement between fields without using the roads.

7.8. Children and Young People/Cared for Children

7.8.1. No impacts

7.9. Public Health

7.9.1. The proposal supports walking and cycling and as such helps to meet the Council's public health objectives by enabling more active life styles for our local communities.

7.10. Climate Change

7.10.1. The proposals have the potential to encourage a small number of slightly longer vehicle trips for residents living on Mill Lane for some journeys. However, this will be offset by the improvements to amenity and travel by sustainable modes.

Access to Information	
Contact Officer:	Paul Griffiths paul.griffiths@cheshireeast.gov.uk 01270 686353
Appendices:	Appendix A – Record of Safety Incidents Appendix B – Draft Level Crossing Ground Plan Appendix C – Draft vehicle diversionary route Appendix D – Draft turning head general arrangement Appendix E – Diversity Impact Assessment Appendix F – Narrative Risk Assessment Appendix G – Census data
Background Papers:	None