

Issue 4/58778
58136
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EXAMINATION INTO

WEST OF BEWBUSH JOINT AREA ACTION PLAN
DEVELOPMENT PLAN DOCUMENT

STATEMENT
of

COUNTRYSIDE ACCESS FORUM FOR WEST SUSSEX (58778)
THE BRITISH HORSE SOCIETY(58136)
RUSPER BRIDLEWAY ASSOCIATION (58283)

ISSUE 4

Chapter 4: Policies WB13 - WB 22

JANUARY 2009

1. Introduction

- 1.1** This statement has been prepared by Mrs Tricia Butcher who will be representing the Countryside Access Forum for West Sussex (CAFWS) 58778, the British Horse Society (BHS) 58136, and Rusper Bridleway Association (RBA) 58283. Mrs Butcher is a member of these organisations.
- 1.2** CAFWS is an independent statutory advisory body established under the Countryside and Rights of Way (CROW) Act 2000 to give advice on countryside access matters, and represents the interests of all who use the countryside. It has a balanced membership of knowledgeable and experienced walkers, cyclists, horse riders, carriage drivers, landowners and other interests (including conservation, disabled access, landscape). CAFWS is anxious to ensure that this development provides an opportunity to improve safe access to the countryside for walkers, cyclists and horseriders – new and existing residents alike.
- 1.3** The BHS is the UK’s largest equine charity and equestrian membership organisation. It is the governing body for recreational riding. Its charitable objects include the promotion of equestrian safety, particularly on roads, and equestrian access to bridleways and other off-road riding, for the public benefit.
- 1.4** Rusper Bridleway Association is a local equestrian group, affiliated to the BHS, and dedicated to maintaining and enhancing access to the countryside via safe bridleways.

2 Chapter 4 – Policies for Development Policy WB15 - Green Linkages

- 2.1** It is proposed to provide a circular multi-use route around the development and all parties agree that discussions should take place, to consider the dedication of the green linkages outlined on the Conceptual Masterplan as bridleways. Reference Statement of Common Ground HDCB/Issue 4, and Appendix A.
- 2.2** The circular route will link to an existing right of way, BW 1550, in the north western corner of the new development. Bridleway 1550 runs along the northern and eastern boundary of the development, and is part of the

proposed National Cycle Network Crawley to Horsham cycle route. On the eastern side BW 1550 links to BW 1553 which runs towards Ifield.

- 2.3** Paragraph 3.19. A new link will be created on the eastern side of the development, just north of the railway, from BW 1550 into Ifield West. As the link will cater for buses and emergency vehicles, appropriate safety measures will need to be put in place to protect bridleway users. Reference Statement of Common Ground HDCB/Issue 4.
- 2.4** Paragraph 3.11. The link for public rights of way users from BW 1550 to Sullivan Drive in Bewbush will be maintained. As the link will cater for buses and emergency vehicles, appropriate safety measures will need to be put in place to protect bridleway users. Reference Statement of Common Ground HDCB/Issue 4, and Appendix A. The objections made against paragraph 3.11 by CAFWS, BHS and RBA (Wbsub 120, Wbsub 93 and Wbsub 181 respectively) have therefore been withdrawn.
- 2.5** Paragraph 3.10. A proposed “Pegasus” signalised crossing of the A264, will restore the public right of way link between bridleway 1550 and bridleway 1550/1. However, it is essential that a dedicated bridleway link is provided on the southern side of the A264, from the crossing point to bridleway 1550/1. This link should preferably not run immediately parallel to the A264.
- 2.6** This link will serve not only to connect up the bridleways, but will also provide access to the network of lanes to the south, offering many opportunities for NMU trips in the local area. It will also provide residents of the new development with direct access on foot to Buchan Country Park via the Permissive Path link from BW 1550/1.

3 Bridging the railway

- 3.1** Paragraph 3.8. A bridge over the railway will be provided as part of the circular route on the western side of the development.
- 3.2** Paragraph 3.17. A bridge is required on the eastern side of the development to enable users of the existing right of way, BW 1550, to cross safely over the railway line. The proposal put forward in the Conceptual Masterplan, is for rights of way users to divert and use a road bridge at the new railway station.
- 3.2** This is a very busy, main railway line. The present level crossing on the definitive line of the bridleway is considered dangerous, and inhibits use of

the right of way by equestrians, families with toddlers or pushchairs, young children on bicycles, and the elderly or disabled.

- 3.3** It is astonishing that Network Rail (NR) wish to leave it open on the edge of a substantial new development. NR's response to the Preferred Options consultation stated "the bridleway/farm level crossings at Kilnwood and Bewbush will need to be abolished and replaced by an alternative means of crossing the line – either a diversion or a bridge." Concern is expressed that even if it is kept for the time being, it will be closed at some future date, and the opportunity for a proper rights of way facility will be lost. Reference Appendix B – page 1 point 3 and page 2 point 1.
- 3.4** At present this crossing gets little use as the bridleway is severed to the south and it is on the edge of town. However, once the bridleway is reinstated and the development is built, there will be a significant increase in the use (including from families and youngsters) and it would seem likely that (inline with stated policy) NR would reconsider its viability and there would be a risk of closure. This would negate the benefits of reinstating the bridleway across the A264.
- 3.5** Whilst it is acknowledged that the only proposed vehicular use of the road bridge at the new station will be by buses and emergency vehicles at present, there is no guarantee this will not change in the future.
- 3.6** The Conceptual Masterplan shows no details of how the road bridge could safely accommodate rights of way users. It is not possible to agree to a diversion without information on the proposed width of the new bridleway up to the bridge, what buffer will be provided to screen the railway, both visually and for noise attenuation (essential for equestrians), how the ramping will be provided on the approach to the bridge (1 in 20 is required for the majority of users), whether a segregated route will be provided on the bridge for rights of way users (as protection from buses, essential for equestrians and disabled), or confirmation the bridge will have solid 1.8m parapets, as required for a RoW crossing of a railway.

4. Preferred Option 1 – Bridleway bridge to replace level crossing

- 4.1** This is the ideal scenario. A traffic free bridleway bridge on the definitive line of the bridleway. Rights of way users can continue on their line of travel without unnecessary deviation. A level crossing is unacceptable.
- 4.2** This is an attractive, enjoyable and strategic right of way with a rural character and feel. This facility will be diminished by the proposed diversion. Reference Appendix C.

5. Option 2 – Diversion to road bridge

- 5.1** If Option 1 cannot be provided, we would request a guarantee of involvement in discussions at the planning application stage, as we are concerned about safety issues involved in using this alternative route. The information listed in paragraph 3.6 will need to be provided and agreed with relevant organisations, and WSCC RoW Department.
- 5.2** The Conceptual Masterplan shows the road bridge over the middle of the Station area. A combined bridge to carry RoW users needs to be on the eastern side of the station. with a segregated/protected section on the eastern side of the bridge for NMUs.
- 5.3** The path sections next to the railway leading to and from the bridge, will undoubtedly become busy in the future, especially on the northern side, where residents from Ifield will use it to access the new railway station and shops in the new development. The right of way needs to have a width that will safely accommodate all users, including equestrians and disabled.
- 5.4** Whilst NMU links to the station are desirable, alone they will not provide the full benefits of the continuous RoW route as preferred in Option 1.

6. Rights of Way Improvement Plan (ROWIP)

- 6.1** Much effort goes into improving the RoW network through the Statutory Rights of Way Improvement Plans. These seek to eliminate missing links and make upgrades to provide continuity of route for all classes of user.
- 6.2** It is essential for the future of the RoW network that new developments take opportunities to contribute to this work which will benefit the residents of the development as well as the wider community. The West Sussex ROWIP Strategic Framework has recently been published and work is ongoing to identify projects to take forward in the Annual Action Plan, under the umbrella of the WSCC Local Transport Plan.

7. Conclusion

- 1.** Chapter 3 – Policy WB2 – Paragraph 3.17 is considered unsound.
- 2.** Fails Test of Soundness 7.
- 3.** Fails to provide grade separated crossing of railway line on line of definitive bridleway 1550 as requested in original representations.
- 4.** Can be made sound by providing grade separation on line of bridleway.
- 5.** Provision of separate bridge for rights of way users.

Jon Perks
Principal Rights of Way Officer
Sustainable Transport Group
(01243) 777621 (direct tel. number)
(01243) 777232 (Fax)
jonathan.perks@westsussex.gov.uk
www.westsussex.gov.uk

The Grange
Tower Street
Chichester
West Sussex
PO19 1RH
(01243) 777100

Mrs. P. Butcher,
14 Benjamin Road,
Maidenbower,
Crawley,
West Sussex.
RH10 7QY

08 January 2009

Our reference: JP / RW / Bewbush
Your reference:

Dear Mrs. Butcher,

Proposed development – West of Bewbush

I am aware that the Countryside Access Forum for West Sussex, the British Horse Society and Rusper Bridleway Association has been discussing with Horsham District Council a Statement of Common Ground (SOCG) for consideration at a forthcoming local inquiry.

The County Council's Rights of Way Team has considerable interest in the proposed development at West of Bewbush, which is an opportunity to improve current local recreational access opportunities in addition to providing the best possible provision for future local residents. The Rights of Way Team encourages regular use of rights of way for off-road recreation, personal health, sustainability and environmental reasons. In the event that the site is allocated the Rights of Way Team would be interested in discussing with parties how best all non-motorised users (NMUs) may be accommodated.

Having had sight of the proposed SOCG the Rights of Way Team wishes to lend its support as follows:

1. Access to Sullivan Drive. This would facilitate access for NMUs between the existing and proposed developments, and is a sensible proposal.
2. Inclusion of equestrians in the list of users. Lawful users of legally recorded public bridleways are pedestrians, pedal cyclists and equestrians, and it is therefore proper to include equestrians as users and consider their needs. I should add that consideration should be made also of users of all ages and disability.
3. The creation of a circular bridleway route. Creation of a circular bridleway route would provide the most commodious facility for all bridleway users – experience shows that linear routes are not as popular with users where they must re-trace their steps. The Rights of Way Team would keenly encourage

such route to be created and formally dedicated as public bridleway so as to protect it as highway for future users. The Rights of Way Team would be eager to offer advice and assistance on the legal process involved.

It is noted within the proposed SOCG that there are comments the subscribers have been unable to agree upon. I would comment further as follows:

1. Provision of grade-separated crossings for rights of way to avoid crossing roads and railways at grade is a general principle. This is advantageous and safer for NMUs and whichever motorised users apply. Providing a grade-separated crossing on the line of the of the existing bridleway, so that NMUs are not in close proximity to any motorised traffic, together with the crossing proposed in Pondtail Shaw should be secured. Grade separated crossing also of the A264 Crawley Road should be sought also. This could be achieved on the line of the existing bridleway, or potentially by utilising the existing underpass close to Holmbush Farm and creating a route linking to the existing bridleway close to Buchan Country Park.
2. The creation of 'green corridors' or link routes from the development to connect with the circular bridleway route. To maximise safety of users and to encourage use of the circular route it shall be important to provide corridors within the development. These may serve additionally to enhance the quality of life of future residents of the development.

Yours sincerely,

Jon Perks
Principal Rights of Way Officer

Our Approach to Managing Level Crossing Safety

Our Policy

Our policy towards managing level crossing risk is:

- that we are committed to reducing the risk at level crossings where reasonably practicable
- our efforts will be concentrated towards those crossings that are determined as presenting the greatest collective risk (i.e. the risk to both users and those who could be impacted by potential crossing incidents such as staff and passengers on trains) or that exhibit a high risk to individual users
- where reasonably practicable we will seek to close and/or divert crossings or enhance their safety through the provision of improved safety features/equipment
- only in exceptional circumstances shall we permit new crossings to be introduced onto the network
- we will continue to educate users on how to use crossings safely and highlight the dangers present
- working with the police and the HM Railway Inspectorate (Office of Rail Regulation) we will seek to encourage enforcement of the law and prosecution of anyone who abuses level crossings
- we will review the recommendations of accidents/incidents and take action as considered necessary
- we will regularly inspect and correctly maintain level crossing infrastructure (including managing vegetation) such that safety incidents due to infrastructure failure are minimised
- only competent staff will operate level crossings and their competence will be regularly assessed/monitored
- we will continue to request and participate in research to reduce level crossing risk
- we will continue to investigate, trial and implement new technology, processes and techniques that improve safety through either reduced cost or provision of enhanced protection
- we will form partnerships and improve relationships with others to take a holistic approach to reducing level crossing risk (e.g. Highways Agency, local councils, Train Operating Companies)
- we will use tools such as the All Level Crossing Risk Model to inform and support us in our decision making process
- we will regularly review risk in light of proposed changes either to railway operations, such as increased train frequency, or to the user population, such as increased user frequency

- we will seek to encourage planning authorities to cooperate in securing level crossing improvements in connection with new developments
- we want to learn from others and encourage others to learn from us.



Background

Level crossings provide a means for vehicles, pedestrians and animals to cross over railway lines. They exist in countries all over the world and in many different forms.

There are around 7000 level crossings in active use on Network Rail managed infrastructure. Of these approximately 1500 are on public vehicular roads and the remainder are where public footpaths, bridleways and private roads/tracks cross the railway. Some private vehicular crossings have public footpath or bridleway rights.

The layout, configuration and use of level crossings vary from location to location, so each one is essentially unique. To minimise the risk of trains striking crossing users the following features may also be present:

- barriers or gates at public vehicular crossings to physically prevent vehicle or pedestrian users from crossing the railway. These may be operated:
 - automatically upon detection of an approaching train, or
 - manually by railway staff present at the crossing (or from an adjacent signal box) or via remote control from the signal box controlling the areaSome barriers close off the entire road whereas others (i.e. half-barriers) simply close off the side of the road on which the road traffic approaches the crossing, leaving the exit from the crossing clear at all times
- coloured lights which provide a visual indication to the user of whether, or not, it is safe to cross; this may also be combined with an audible alarm
- telephones for the user to request permission from the signaller to cross

- gates or stiles to highlight to the user where the boundary with the railway begins and ends. These can also prevent inadvertent trespass of children or animals onto the crossing or, in the case of locked gates, unauthorised use
- signage to explain the safe method of using the crossing or to bring the user's attention to specific dangers
- railway signals that can be set to stop trains on the approach to crossings which are open to crossing users before they are closed to allow trains to pass
- railway signs that signify trains to stop on the approach to crossings which are crossed over when identified as safe to cross by the train crew.

Exactly which of these crossing safety features need to be provided have for many years been specified by legislative requirements and industry standards, supplemented by HM Railway Inspectorate guidance. The principal factors which influence the requirements are maximum train speed, train frequency, crossing user frequency and whether it is for public or private use. Other risks that arise at level crossings include user slips/trips/falls (including cyclists), trespass along the railway line itself, equipment damage due to vandalism, electric shock from overhead wires and vehicle collisions with barriers, pedestrians or other vehicles.

This document contains details of Network Rail's overall approach to managing level crossing safety.

Level Crossing Risk

Level crossings are safe if used correctly. Over 90% of risk in the previous five years has resulted from user misuse in the form of error or abuse - the remainder being due to other causes such as equipment failure, reduced visibility or railway operator error. Typical examples of user error include incorrect knowledge of operation, misjudging the time it takes the train to reach the crossing or making incorrect assumptions regarding who has priority of use, direction of travel or the presence of second train approaching usually from the opposite direction. Typical examples of user abuse include users driving around half-barriers, users crossing when the crossing lights are red, users not requesting the signaller's authority to cross (where required) and leaving gates open after use.

On average there are seven pedestrian and two to three vehicle occupant fatalities per year (excluding suicides). Accidents involving injury to persons on the train are rare. However, the ever present risk was highlighted in 2004 when a train derailed following a collision with a car that had deliberately parked on level crossing at Ufton Nervet, Berkshire resulting in seven fatalities; the vehicle occupant, five passengers and the train driver.

A number of changes are expected in the future that potentially could increase level crossing risk if longer term strategies and tactical initiatives are not put in place. These anticipated changes include:

- increased number of people living in Britain (i.e. more crossing users)

- increasing pressures for new residential and commercial development – particularly in the already densely populated South East
- the requirement to run additional train services and convey more passengers
- increased number of elderly drivers
- increased impatience brought about by the pace of modern life (i.e. users take greater risks to avoid having to wait for trains to pass).

Reducing Level Crossing Risk

The most effective way of reducing level crossing risk is to eliminate the crossing completely. Whilst purely private level crossings can be closed by agreement with authorised users, closure of public level crossings is notoriously more difficult under the present law. In addition, closure of a public bridleway or footpath level crossing may result in a requirement to provide an alternative route either in the form of a bridge over the railway, an underpass beneath the railway or through provision of a diversionary route to a nearby existing bridge, underpass or level crossing.

Provision of structures such as bridges or underpasses involves large capital investment. It can also take a long period of time before they are realised due to the need to obtain the necessary planning (and other) consents and the magnitude of the infrastructure works required. Additional land may also need to be purchased.

Network Rail is subject to the requirements of the Health and Safety at Work Act etc 1974 to reduce risk 'so far as is reasonably practicable'. In simple terms this means that the cost, time and effort required in providing a specific risk reduction measure needs to be commensurate with the safety benefit that will be obtained as a result of its implementation. Network Rail's health and safety management system (part of its safety authorisation issued by the Office of Rail Regulation) sets out the company's approach towards prioritisation of safety expenditure.

In the majority of cases the risk associated with individual level crossing use is insufficient to make a clear case for its closure and/or diversion. It is therefore necessary to understand any other benefits that can be factored in, for example reduced operational or maintenance costs, avoidance of forthcoming renewal costs, improved operating performance or funding obtained from other parties involved such as the Highways Agency, local councils or private housing developers. Management judgement also forms a key part of the decision process when qualitatively the risk warrants something to be done but the case for closure and/or diversion is not necessarily clear cut.

If it is not practicable to close and/or divert the crossing then it may still be possible to reduce risk through the provision of improved safety features where it is considered reasonably practicable.

In contrast provision of new level crossings would introduce additional risk and therefore would be permitted only in exceptional circumstances.

Our Strategy

Network Rail's overall strategy for managing level crossing risk is based upon a principle known as the four 'E's':

- Education; educating crossing users on how to use level crossings correctly and highlighting the dangers of misuse
- Enforcement; taking appropriate action to assist the police in identifying those who deliberately endanger others through their actions at level crossings with a view to securing their prosecution
- Enablement; developing appropriate techniques, processes, models and relationships/partnerships to improve the management of level crossing risk (e.g. Road Rail Partnership Groups, the All Level Crossing Risk Model)
- Engineering; requirement that level crossings are regularly inspected and correctly maintained. Additionally, where it is reasonably practicable to do so, enhancing crossing safety through means such as closure/diversion or provision of additional safety features/equipment (e.g. addition of telephones or lights, conversion from half-barriers to full-barriers).

Our strategy is not restricted solely to these elements and we will continually seek to learn more about the factors that contribute to level crossing risk. This includes activities such as:

- requesting and participating in continued research in this area through both industry and external bodies
- reviewing and acting on recommendations from previous accidents/incidents, and
- undertaking and acting on the findings of audits of our own company processes and procedures.

Key Initiatives

In addition to the established legislative requirements and risk management controls, Network Rail is taking forward the following key initiatives with a view to further improving level crossing safety:

- use of the All Level Crossing Risk Model (ALCRM) to gain a greater understanding of crossing risk and to target investment to close/divert or improve crossings where reasonably practicable
- continuing to implement and evolve the 'Don't Run The Risk' public awareness campaign to educate users on how to use level crossings correctly and the dangers of misuse
- investigation, trial and employment of measures to reduce the cost of level crossing closure such as 'modular'/standard bridge designs, new construction material /techniques/processes and challenging current construction standards

- realising the benefits from the formation of Road Rail Partnership Groups through taking measures to address level crossing safety from both a highway and railway perspective
- trialling of new technology which could reduce the cost of providing improved crossing safety features/equipment (e.g. conversion of automatic half-barrier crossings to automatic full-barrier crossings with obstacle detection)
- realising the benefits from the recent establishment of a National Level Crossing Safety Group and creation of a national specialist team
- realising the benefits from reducing the costs of level crossing design through bringing crossing renewal design in-house and reducing maintenance costs through the use of new technology to improve asset availability and reliability (e.g. replacement of filament bulbs with LEDs).



Mrs. P. Butcher,
14 Benjamin Road,
Maidenbower,
Crawley,
West Sussex.
RH10 7QY

2 January 2009

Dear Tricia

Re: CAFWS submission to West of Bewbush Examination in Public

Following on from our recent discussions at CAFWS of this development I wish to support the comments of your submission and I would like to highlight the following points:

1) This development is a major opportunity to provide repaired, improved and additional NMU links in an area where the A264 dual carriageway dominates. As well as reinstating Bridleway 1550 there is the opportunity to provide a link to the National Cycle Network via the proposed Crawley to Horsham route and a new leisure circuit within the development itself.

These facilities will benefit the local population as well as future residents of the new development. The bridleway link will also provide access to the network of lanes south of the A264 offering many opportunities for cycle and other NMU trips in the local area. These opportunities will be best realised though a grade separated crossing of the A264.

2) Similarly the bridleway crossing of the railway needs a proper NMU bridge facility. The alternatives of either a continued uncontrolled at grade crossing or a combined crossing at the railway station are both unsatisfactory on the grounds of safety, convenience and amenity.

Regarding cost - some discussion has taken place regarding the possibility of diverting the RoW to cross at the (as yet unknown) location of the station to share a road bridge crossing. Whilst it may seem two bridges will add unnecessary cost to the scheme, this may not be the case. Initial research suggests that addition of separate 1:20 access ramps (as required by legislation and recommended guidance for NMUs) to a road bridge, including the additional deck width req. for proper NMU separation and provision, will be of the same order of cost (perhaps within 20%) as providing a

separate NMU bridge. Given that the benefits of a second bridge will accrue far into the future this small differential would seem to be good value for money. Many policy objectives are in place which seek to encourage shifts to sustainable and active modes of travel; changing behaviour through leisure activity plays a key part in achieving this. (These comparative costs are supplied by Sustrans Bridge Engineer for illustration only and would need to be properly evaluated taking account of detailed designs and site conditions).

As well as being unsatisfactory from the point of view of safety, convenience and amenity, the practicality of a shared bridge is questionable. It is hard to envisage how providing 1:20 NMU access ramps parallel to the railway would be possible if a single bridge were not at the eastern end of the station. At 1:20 with (say) 5m height the ramps would need to be 100m long and these would interfere with the station structure and land use. It is hard to envisage a solution which would be either acceptable or practical.

3) In Sustrans experience planning and provision of NMU facilities at the earliest stages of developments is essential. Without these essential routes, designed appropriately for their users, delivery of many of Government policy objectives on sustainability, environment and health is severely handicapped. Policy indications are that the links between Local Transport Plans and Rights of Way will continue to be strengthened and new developments must be planned and built with this in mind – early patterns of use and travel behaviour are strongly dictated by available facilities.

I hope the above points are noted at the Examination.

Best wishes

Yours sincerely

Chris Boocock
Area Manager Sustrans
Sussex and Brighton