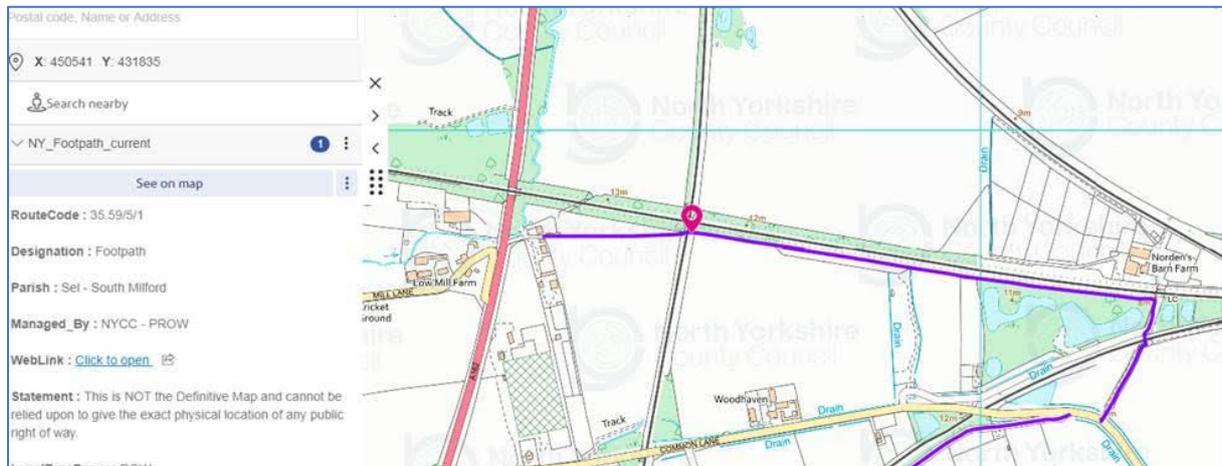


## South Milford Parish Council statement 22<sup>nd</sup> March 2021

Milford crossing and path 35.59/5/1 (Low Mill Farm – Norden Barn Farm)



### History

1. South Milford Parish Council (SMPC) understands that this crossing was revamped sometime before 2014, which suggests that Network Rail regarded it as being safe.
2. On 15.06.17, North Yorkshire County Council (NYCC) issued a temporary stopping order for this path from the 19.06.17 to 18.12.2017 to allow for embankment works. According to Network Rail Diversity Impact Assessment, which SMPC had access to, the objectives of this work also included reinstating the footpath permanently. As far as SMPC is aware, the footpath was not reinstated, and the crossing has remained closed.
3. On 10.1.19 a walker complained to NYCC that the eastern gate was padlocked shut, preventing walkers from crossing the line and using the path.
4. On 24.09.19, Network Rail conducted a risk assessment of the crossing, according to documentation obtained via a Freedom of Information Request by a private citizen.
  - 4.1. The risk assessment concluded: *"This crossing is padlocked out of use with no apparent usage."*
  - 4.2. The risk assessment did not include train sighting checks: *"Not checked due to inability to cross the line safely, or check crossing traverse."*
  - 4.3. It is not clear if the risk assessment included noise checks or if made suppositions; for example: *"The level crossing is in proximity of farm land in which agricultural machinery may reduce the distance from which a train may be heard approaching. The whistleboard for trains travelling in the up direction is in the direction of an industrial estate which may impede users hearing. A rail overbridge is in close proximity of Milford level crossing which may reduce the distance from which a train may be heard approaching. [our underline]"*
5. Between 12.3.20 and 12.4.20, Network Rail undertook a camera census of the crossing.
  - 5.1. In total, the census recorded 18 adults, 12 children (on the same days as adult walkers) and 10 dog walkers.

- 5.2. No vulnerable use was recorded.
- 5.3. Given that during this period the crossing was padlocked, SMPC interprets the results of the census as meaning that 40 people tried to cross but were unable to. If nothing else this illustrates the popularity of the footpath.
6. On 20.4.20, a walker found that the crossing was padlocked shut on both sides, with Network Rail signs stating *"closed for safety reasons"*.
7. On 02.03.20, Network Rail applied to NYCC for a temporary closure order due to safety concerns: *"Network Rail has serious concerns about the safety of this level crossing. Sighting for pedestrians is impeded, looking northwards by the presence of an overbridge (taking the Leeds to Hull line) and this bridge also impedes the ability to hear the whistles from approaching trains"*.
  - 7.1. It is the view of SMPC that the evidence for these concerns is not clear given that the risk assessment did not make train sighting checks and lack of clarity about whether it included noise checks.
8. On 17.09.2020, NYCC granted the temporary closure order for 6 months.
9. On 16.02.20, two representatives from Network Rail (virtually) met with two SMPC Councillors about Network Rail's plans for this crossing and implications for the footpath. In sum:
  - 9.1. The Network Rail representatives stated that Network Rail has concerns about the safety of this crossing following a narrative risk assessment. The representatives offered to share this narrative risk assessment, but despite multiple requests from SMPC, the narrative risk assessment has not been provided yet.
  - 9.2. The Network Rail representatives stated additional safety measures were not feasible given their cost.
  - 9.3. The Network Rail representatives were not aware when the crossing had been padlocked shut nor why the footpath had not been reinstated back in 2017 (see point 2).
  - 9.4. The Network Rail representatives communicated that Network Rail intended to consult on the closure of the level crossing, and consequently to the extinction of the path.
10. On 25.02.2021, NYCC extended the temporary closure order for a further 6 months.
11. On 26.02.2021, Network Rail started a consultation to close crossing and the footpath.

## South Milford Parish Council's comments

12. Despite numerous requests by SMPC, neither NYCC nor Network Rail have provided any evidence to outline details of the safety issues allegedly identified.
13. This sad state of affairs does nothing to enhance the reputations of either organisation, and there is no doubt that it has caused some disquiet to both residents and walkers alike. However, there is no doubt this is a recognised footpath which has been peremptorily closed.

14. South Milford Parish Council is against the closure of this crossing and the footpath for three reasons:

- 14.1. Firstly, there is no safe alternative route to this footpath. The only alternative to this path is for walkers to use Common Lane. Common Lane to the turning to Turpin Lane is a road without verges, includes two single-lane humpback bridges with poor visibility, a three-way traffic light system for vehicles, and it is often used by HGVs to and from a food digestion facility.
- 14.2. Secondly, this footpath connects to footpaths that connect South Milford to neighbouring villages. Specifically, to the public path 35.59/6/1, which connects the villages of South Milford and Monk Fryston; public path 35.59/16/1 and 35.59/2/2 which connects the villages of South Milford and Sherburn; and public path 35.59/2/1, 35.59/1/1 and 35.59/4/1 which connect the villages of South Milford and Hambleton.
- 14.3. Thirdly, the case for safety concerns is poorly substantiated by Network Rail. According to the documentation obtained via a Freedom of Information Request and seen by SMPC, the 2019 risk assessment did not check for train sighting and it is unclear if it conducted noise checks (see point 4). Network Rail has not provided the narrative risk assessment despite multiple requests (see point 9.1)

15. SMPC would like to take this opportunity to ask the following questions:

- 15.1. How this footpath would appear to have been blocked unlawfully, in that its closure was not undertaken in accordance with statutory practices and procedures?
- 15.2. The rationale of how the temporary closure of this crossing later came to be exploited to drive through a plan to ensure its permanent closure and thereby extinguish a popular footpath, without the necessary attendant notices/orders?
- 15.3. It is our information that the line straddled by the crossing is used predominantly by freight trains, which travel both infrequently and at moderate speed. The closure of both Ferrybridge and Eggborough power stations together with the reduced reliance upon coal by Drax power station has combined to influence this situation. Would Network Rail agree with this description?
- 15.4. How can a crossing, deemed safe in 2014 and up to its temporary closure in June 2017, suddenly deteriorate in terms of safety to necessitate its closure?
- 15.5. A cursory examination of correspondence relating to rail travel reveals that a number of crossings have been closed in the UK without due consideration to either users or due process. Would Network Rail agree that some crossings, arbitrarily closed, have had to reopen?
- 15.6. Would Network Rail agree that visibility is certainly adequate to the user and that the audible warnings are clear and to suggest that agricultural machinery or neighbouring factories would abate such signals is rather an exaggeration?
- 15.7. Would Network Rail also agree that there is no viable alternative to the crossing other than a dangerous road, which lacks a footpath and is so hazardous to warrant regulation by traffic lights?

- 15.8. Finally, a FOI request obtained by a resident appears to suggest that the crossing be closed on safety grounds following a request on 28.8.20 consequent to cameras revealing footage of vulnerable use. This showed how a trespasser via a padlocked gate crossed the line thereby challenging the safety of the crossing. Would Network Rail accept that this incident was not recorded as a 'near miss', and is probably more appropriately an example of the popularity of the footpath than a commentary on the safety of the crossing?