

Representing the constituent Local Access Forums of:
Barnsley, Bradford, Calderdale, Doncaster, East Riding and Humber, Leeds, North Lincolnshire, North Yorkshire, North York Moors, Rotherham, Sheffield, Wakefield and Yorkshire Dales.

Public Rights of Way, Level Crossings on the Rail Network,

Draft Memorandum of Understanding (MOU) between NR, ADEPT & IPROW.

Forum Members have now had the opportunity to consider the scope and content of the Draft MOU that you kindly sent to us in July. As we note from your email, a new team will be working with ADEPT and IPROW to finalise the document, and the Forum Members have asked me to write to you with their comments.

We recognise that you have an overriding responsibility to manage the Network Rail estate with the utmost safety in mind, and that every level crossing carries with it a risk. However, our position is that rights of way are also a national asset and we are concerned that not enough is being done to ensure that the numerous closures do not lead to a wholesale disconnect of the PRow network.

The unanimous feeling among members was that:

- The document is opaque, and seemingly drawn up exclusively for the benefit of NR; allowing it as much leeway as possible to alter or stop up public rights of way (PRow).
- There is too much emphasis on keeping the development of what appears to be a national protocol '*confidential*', whilst restricting the input of PRow Stakeholder Groups to local consultations where the outcomes may have already been pre-determined under this agreement.
- NR should extend its working group to include recognised Stakeholders who represent the users of PRow, i.e. The Ramblers, The British Horse Society, Byways and Bridleways Trust and The Open Spaces Society.
- Objectives: Para 1.5. The wording wrongly confines the scope of LHAs to secure '*safe and unrestricted movement of pedestrians to the PRow network*' only. This should be changed to include the full range of their responsibilities i.e. equestrians and cyclists.
- All proposed closures should include a risk assessment of the safety of PRow users who may be forced onto busy roads as a result.
- There should also be a responsibility for NR and local authorities (LAs) to negotiate new access to the nearest convenient crossing down the line.

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Reply:

Hi Didy

Thank you for your constructive comments; I may have some good news for you.

NR representatives met with ADEPT and IPRoW representatives last Friday and a final version was agreed (subject to typing up the further amendments that were incorporated during that meeting).

With regards to your first bullet point; this was neither the intention and is not the case. The document addresses the interface at level crossings and is trying to promote clarity and consistency of approach. It is also an advisory paper and not mandated. Although we would like many LAs to sign up to it, should a LA chose not to do so then that is their right.

The confidentiality clause was only in play whilst the paper was still under discussion and this was necessary due to the constant changing of the document. As we have now finalised the MoU this paragraph has been removed in full.

I accept your point on 'pedestrians' at 1.5 and I will recommend the change that you propose.

A clause has been added relating to road safety assessments where a proposed diversion moves users onto existing highways.

Your last bullet point is also one of the options which are openly considered when proposing a diversion, and NR is also prepared to consider any counter proposals that a HA may make. We believe it preferable to work constructively with a LA rather than being in opposition.

You will undoubtedly receive further details and a copy of the final MoU from your ADEPT and IPRoW rational representative in due course.

Kind regards

Jerry

Jerry Greenwood

Head of Liability Negotiation

Safety, Technical & Engineering