

Electoral Division affected: Garstang
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**Highways Act 1980 – Section 119A Rail Crossing Diversion Order**  
**Wildlife and Countryside Act 1981 – Section 53A**  
**Proposed Diversion of Parts of Public Footpath Nos. 7 Claughton and 3**  
**Bilsborrow, Wyre Borough**  
(Annex 'B' refers)

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### **Executive Summary**

The proposed diversion of parts of Public Footpath Nos. 7 Claughton and 3 Bilsborrow, Wyre Borough.

### **Recommendation**

1. That an Order be made under Section 119A of the Highways Act 1980 to divert part of Public Footpath Nos. 7 Claughton and 3 Bilsborrow from the route shown by a bold solid line and marked A – B – C and B – H – D on the attached plan to the route shown by a bold broken line and marked A – E – F – G – H – C and H – D on the second plan.
2. That in the event of no objections being received, the Order be confirmed and in the event of objections being received the Order be sent to the Secretary of State and promoted to confirmation if necessary at a public inquiry.
3. That provision be included in the Order such that it is also made under Section 53A of the Wildlife and Countryside Act 1981, to amend the Definitive Map and Statement of Public Rights of Way in consequence of the coming into operation of the diversion.

### **Background**

The Brock level crossing is located approximately 75 metres north of the River Brock on the line between Lancaster and Preston. The crossing connects public footpaths and small nature reserve to the A6. The crossing is well used by the local residents and visitors. High speed trains frequently pass along this section of the track and warning signs at either side of the crossing advise that trains pass in excess of 100 miles per hour.

A request has been received from Network Rail, Manchester Square One, 4 Travis Street, M1 2NY for an Order to be made under Section 119A of the Highways Act 1980 to divert part of Public Footpath Nos. 7 Claughton and 3 Bilsborrow from the current alignment of the level crossing onto the alignment of a footbridge.

The length of the existing paths proposed to be diverted are shown by a bold solid lines and marked A – B – C and B – H – D on the first of the attached plans with the proposed alternative routes shown by bold broken lines and marked A – E – F – G – H – C and H – D on the second plan.

## **Consultations**

The necessary consultation with the Statutory Undertakers has been carried out and no adverse comments on the proposal have been received. Wyre Borough Council has also been consulted and similarly raised no objection to the proposal. The Peak and Northern Footpaths Society and the Ramblers' Association have also been consulted and they too have no objection to the proposal.

Wyre Borough Council, Myerscough and Bilsborrow Parish Council, Claughton-on-Brock Parish Council and the County Councillor for the area have also been consulted and at the time of writing their response is awaited.

## **Advice**

### **Description of paths to be diverted and the alternative lengths**

#### **Public Footpath No. 7 Claughton**

The length of Public Footpath No. 7 Claughton proposed to be diverted commences at point A (Grid reference SD 5124 4063), approximately 65 metres to the north east of its junction with the A6. It runs approximately 15 metres in an easterly direction to point B (Grid reference SD 5125 4063) and then approximately 5 metres in an easterly direction to point C (Grid reference SD 5126 4063) shown by a bold solid line on the plan attached and marked A-B-C, a total distance of approximately 20 metres.

#### **Alternative length**

The proposed alternative route commences at point A (Grid reference SD 5124 4063) and runs approximately 3 metres in a generally southerly direction to the Claughton/Bilsborrow parish boundary at point E (Grid reference SD 5124 4063). Continuing from point E, the proposed alternative route ascends approximately 36 steps (broken by two landing areas) in a southerly direction to reach point F (Grid reference SD 5124 4060) to turn east, ascend a 5 further steps and continue for a distance of approximately 10 metres before descending 5 steps to reach point G (Grid reference SD 5126 4060). Beyond point G the proposed alternative route continues in a northerly direction down approximately 36 steps (broken by two landing areas) to the Claughton/Bilsborrow boundary at point H (Grid reference SD 5125 4063). From point H the proposed alternative route turns east for a distance of approximately 8 metres to reach point C (Grid reference SD 5126 4063) on Public Footpath No. 7 Claughton shown by a bold broken line on the plan attached and

marked A-E-F-G-H-C. The total distance of the alternative route is approximately 73 metres.

### **Public Footpath No. 3 Bilsborrow**

The length of Public Footpath No. 3 Bilsborrow proposed to be diverted commences at point B (Grid reference SD 5125 4063), at its junction with Public Footpath No. 7 Claughton. It runs a total distance of approximately 66 metres in a southerly direction to point D (Grid reference SD 5126 4056) shown by a bold solid line on the plan attached and marked B-H-D.

### **Alternative Route**

The proposed alternative route commences at point H (Grid reference SD 5125 4063) at the Claughton/Bilsborrow parish boundary and runs generally south, to the east of the railway footbridge, for a total distance of approximately 68 metres to point D (Grid reference SD 5126 4056) shown by a bold broken line on the plan attached and marked H-D.

It is proposed that the width of the new routes will be 2 metres and the footbridge will stand a maximum of approximately 8 metres from the ground.

### **Criteria satisfied to make and confirm the Order**

The proposal is considered acceptable from a highway aspect and meets the criteria for a diversion under Section 119A of the Highways Act 1980, i.e.

- (i) that it appears expedient in the interests of the safety of members of the public using or likely to use it to divert a footpath which crosses a railway, other than by tunnel or bridge;
- (ii) that it is expedient to confirm the Order having regard to all the circumstances and in particular whether it is reasonably practicable to make the existing at-grade crossing safe and whether that crossing will be made secure if the Order comes into effect.

The proposal, if successful will provide a safe means of crossing the operational railway and once the current crossing is closed and removed, will enable Network Rail to secure the railway at this location. This will resolve the current concerns relating to accidental collisions and accessibility to the railway line for misuse.

It is suggested that it is not reasonably practicable to make the crossing safe and that there is a justifiable case for diverting the footpath over a footbridge providing the crossing is closed and removed.

In the event that the order is successful, Network Rail will ensure that suitable fencing is erected to bar access to the railway and that appropriate signs are provided advising potential users that the path has been diverted.

There is no apparatus belonging to or used by statutory undertakers under, in, upon, over, along or across the land crossed by the present definitive routes, or they have given their consent.

It is advised that the effect of the proposed Order, if confirmed, will not have any adverse effect on the needs of agriculture and forestry and desirability of conserving flora, fauna and geological and physiographical features. It is also suggested that the proposal will not have an adverse effect on the biodiversity or natural beauty of the area.

It is proposed that the right of way to be created by the proposed Order will not be subject to any limitations or conditions.

The applicants, Network Rail, own all the land affected by the proposal and have agreed to defray any applications for compensation. They have also agreed to bear all advertising and administrative charges incurred by the County Council in the order-making procedures, and also to provide and maintain the alternative route to the satisfaction of the County Council.

The Committee is advised that so much of the Order as extinguishes part of Public Footpath Nos. 7 Claughton and 3 Bilsborrow is not to come into force until the County Council has certified the satisfactory physical implementation of the footbridge.

Should the Committee agree that the proposed Order be made and, subsequently, should no objections be received to the making of the proposed Order, or should the proposed Order be submitted to the Secretary of State for Environment, Food and Rural Affairs for confirmation, it is felt that the criteria for confirming the proposal can be satisfied.

Furthermore, it is felt that, if the Order were to be confirmed, the new way will be reasonably convenient to the public. It is acknowledged that the new route is longer than the existing route and requires 41 steps each side of the bridge to be negotiated, however given the substantial improvement in the safety of the crossing it is suggested that this is reasonable.

It is felt that there will be no adverse effect on the rights of way network as a whole or on the land served by the existing routes or on land over which the new path or way is to be created.

It is advised that the needs of the disabled have been actively considered and as such, the proposal is compatible with the duty of the County Council, as a Highway Authority under the Equality Act 2010. Although it is the intention that only steps will be provided over the footbridge which may therefore be inaccessible or difficult for some users it is considered that the increased protection to those and other users from the danger of crossing at grade a high speed railway track makes this a reasonable solution; a solution which did not require steps was not practical at this location.

It is also advised that the effect of the Order is compatible with the material provisions of the County Council's 'Rights of Way Improvement Plan'. In particular

policy RMVI2-2 whereby the Local Authority will aspire to meeting the British Standard for gaps, gates and stiles. In this instance BS5709:2006 has been applied and accordingly, as it is proposed that there will not be any gates or barriers on the stepped access the proposed alternative route is fully compliant with the British Standard.

It is considered that, having regard to the above, it would be expedient to confirm the Order.

### **Risk Management**

Consideration has been given to the risk management implications associated with this proposal. The Committee is advised that, provided the decision is taken in accordance with the advice and guidance contained in Annex B included in the Agenda Papers, and is based upon relevant information contained in the report, there are no significant risks associated with the decision-making process.

### **Alternative options to be considered**

To not agree that the Orders be made

To agree the Orders be made but not yet be satisfied regarding the criteria for confirmation and request a further report at a later date.

To agree that the Orders be made and promoted to confirmation according to the recommendation.

To agree that the Order be made and if objections prevent confirmation of the Order by the County Council that the Order be submitted to the Secretary of State to allow the applicant to promote confirmation, according to the recommendation.

### **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Ext
File Ref: 211/638	Various	Megan Brindle County Secretary and Solicitors Group
File Ref: 211 File Ref: PRW 02/10/07 and 02/06/03	Various	Mr S Williams, Environment Directorate, 01772 533886

Reason for inclusion in Part II, if appropriate

N/A