



Derby City Council

**PLANNING CONTROL COMMITTEE**  
**24 November 2016**

**ITEM 8**

Report of the Director of Strategic Partnerships,  
Planning and Streetpride

**Confirmation of the Derby City Council Megaloughton Lane  
Extinguishment Order 2014**

**SUMMARY**

- 1.1 The Council, having received an application from Network Rail to close the pedestrian level crossing at Megaloughton Lane, Spondon, and having concluded that it was expedient to close the path on the ground that it was no longer needed, in March 2014 made an Order, the "Derby City Council Megaloughton Lane Extinguishment Order 2014", under Section 118 Highways Act 1980, extinguishing the 45 metre length of path between points A and B as shown on the Order plan in Appendix 2 of this report.
- 1.2 The Order does not become effective until confirmed. If no objections are received the Council has power to confirm the Order, however, if there are outstanding objections the Order must be referred to the Secretary of State for confirmation.
- 1.3 Following the advertising of the making of the Order, the Council received objections, which, despite discussions with Network Rail and the objectors, have not been withdrawn.
- 1.4 The Council must decide, having regard to the objections received since the making of the Order, whether it remains satisfied that it is expedient to stop up the section of the path on the ground that it is not needed, and if so, whether to refer the Order to the Secretary of State for confirmation or to withdraw the Order.

**RECOMMENDATION**

- 2.1 Members approve that the Derby City Council Megaloughton Lane Extinguishment Order 2014 be forwarded to the Secretary of State for confirmation.

**REASONS FOR RECOMMENDATION**

- 3.1 The Council considers that having regard to the evidence, including the objections received since the making of the Order, it remains expedient to extinguish the section of the path on the grounds that it is no longer needed by the public, and therefore, as there are outstanding objections to the Order, the decision on confirmation should be referred to the Secretary of State.

## SUPPORTING INFORMATION

- 4.1 Megaloughton Lane is part road, part path and part limited access road. It is approximately 745 metres in length and runs from East Service Road, which is located alongside Raynesway, in a north easterly direction to the A52/A6005 island. It crosses the main railway line that runs from Derby to Nottingham, Leicester and London, by means of a pedestrian level crossing. Vehicular rights were removed from the section of lane, running from the northern side of the carriageway junction of Megaloughton Lane and Celanese Road in a north easterly direction for 45 metres, across the railway line to a point in line with Albert Looms' Ltd side entrance, by the British Railways Act 1967. The path section of the lane is used by pedestrians and cyclists.
- 4.2 In July 2013, Network Rail applied for an Extinguishment Order to close the pedestrian level crossing on Megaloughton Lane on the grounds that the section of path, which includes the rail crossing, was no longer needed for public use, claiming in support that there was a small amount of use on the footpath that was likely to decrease with the closure of the Celanese site and there were two more suitable, equally convenient alternative routes. Network Rail's application and a photograph of the crossing can be found in Appendix 2 to this report.

The two alternative available routes suggested by Network Rail being those shown on the attached 1:5000 Alternative Routes plan in Appendix 2 to this report, and as described below:

- Route C to D, shown in blue, uses the footbridge over the railway lines approximately 240 metres to the west of the Megaloughton Lane crossing. The route begins at the junction of Megaloughton Lane and East Service Road, then along East Service Road, over the footbridge over the railway line, then follows the existing footpath adjoining A52, through to junction of Megaloughton Lane and the A52/A6005 traffic island. The length is slightly longer than Megaloughton Lane at approximately 765 metres.
  - Route E to F, shown in red, which is more practical for cyclists, begins at the junction of Megaloughton Lane and East Service Road, then along Celanese Road and Holme Lane, then over the footbridge, which has a cycle rail, and on to Station Road. It then follows Public Footpath No. 33 Spondon eastwards to the A52/A6005 traffic island. The route ends at point F, which is the same end point as Megaloughton Lane and Route CD. The length is approximately 1.4 kilometres which is nearly twice as long as Megaloughton Lane. The Station Road footbridge, at Spondon Railway Station, is approximately 560 metres to the east of the Megaloughton Lane crossing.
- 4.3 The reason behind Network Rail's request for the section of path's extinguishment is that the organisation is required by Department for Transport to increase the line speed on the Midland Mainline between St Pancras Railway Station, London and Sheffield in order to reduce journey times which should give significant national socio-economic benefits. The Department for Transport also requires Network Rail to reduce risk and fatality and weighted injuries (FWI) for its level crossings nationally. It should be noted that the reason for Network Rail's application is on the grounds of expediency and the path not being needed and not on safety aspects.

- 4.4 The closure of a path under Section 118 Highways Act 1980 involves a two stage process, each process involving separate tests. The first stage is the decision of whether to make an Order. This decision depends upon being satisfied that it is expedient to extinguish the relevant length of path on the grounds that it is not needed, the second stage being the confirmation of the Order. The applicable tests for confirmation are not relevant for the purpose of this report but can be found in paragraph 2.2 of the legal implications of this report.
- 4.5 The process in outline is as follows:
1. If the closure proposal satisfies the test in the Highways Act 1980 that it is expedient to make an Order because the path is not needed by the public then the Council may make the Order.
  2. The making of an Order needs to be advertised to enable the public to object or comment.
  3. Where there are no objections the Council can confirm the Order itself.
  4. If objections are received then the Council is obliged to make efforts to resolve those objections. If such objections are not withdrawn, the Council then has to decide whether to refer the matter to the Secretary of State for confirmation.
  5. In considering whether to refer the matter for confirmation the Council needs to consider, whether having regard to the objections received, it remains satisfied that it is expedient to extinguish the path on the grounds that it is no longer needed.
  6. If the Council decides to continue with the Order, it should refer it to the Secretary of State for confirmation.
  7. When an Order is referred, the Secretary of State will consider the tests in the Highways Act 1980 for confirmation, before deciding whether to confirm it.
- 4.6 In 2012, Network Rail approached the Council about the feasibility of having a public path Extinguishment Order made to close a section of Megaloughton Lane that included the pedestrian level crossing. Before making a formal application, Network Rail carried out a path user survey, using CCTV, for the rail crossing, which ran from 3 December 2012 to 13 December 2012. The survey revealed that there had been 70 crossings, often repeat users and that there were no more than 10 path users in any 24 hour period. Half of the path users had bicycles. It also carried out a quick half hour census on 18<sup>th</sup> December 2012 between 14:00 and 14:30 hours, during which there was no use. Network Rail also posted notices at the level crossing for several weeks in 2012 asking for public comment about the possibility of its closure. Only three path users responded, two of which were from Spondon. All three stated that it was a useful shortcut with two adding that it kept them off the roads.

- 4.7 The Spondon Neighbourhood Board, which included the three ward members, was consulted on the feasibility of the closure of the crossing. It discussed the proposal at its meeting of 13 February 2013. It was generally supportive of the request to close the crossing. It considered that:
1. Network Rail's application was worth supporting on safety grounds.
  2. there had only been a small number of crossings by pedestrians and cyclists and considered that many of these crossings had probably been made by the same individuals.
  3. the amount of inconvenience for the few carries less weight than the improvement in their safety and the saving of lives.
  4. the route is used by cyclists but it is not part of Route 66 (Derby's orbital cycling route) - which is the main cycle route being promoted in this area.
  5. the alternative routes appeared reasonable, should cyclists not wish to carry cycles up any steps across a bridge.
- 4.8 Network Rail applied formally for an Extinguishment Order to close a section of path, including the pedestrian level crossing, as shown by AB on the Order plan in Appendix 2 to this report, in July 2013. Network Rail claimed that the section of path, which included the rail crossing, was no longer needed for public use because there are two alternative routes. The two alternative routes, as described in paragraph. 4.2 and shown on the Alternative Routes plan in Appendix 2 to this report, are:
- Route CD, shown in blue, which includes the footbridge over the railway line, is approximately 765 metres in length.
  - Route EF, shown in red, which is more practical for cyclists and begins at the junction of Megaloughton Lane and East Service Road, and follows the roads and includes the level crossing at Spondon Station, using the road or footbridge, is approximately 1.4 kilometres.

Network Rail also proposed in its application, the installation of a cycle channel over the steps of the footbridge adjacent to the Raynesway/A52 slip road, which was installed in early 2014.

- 4.9 Before making a decision, the Council consulted a number of local landowners and interest groups. The only respondent was the Operational Manager of adjacent landowner, Albert Looms Ltd, who stated that the proposed extinguishment of the rail crossing would cause them no problems so long as they were able to retain a vehicle access down to the side gate of the yard, which is close to the rail crossing. He considered that the crossing has been a problem for many years with children playing near it and that he had personally had to warn them away from it.

- 4.10 The Council considered the available evidence, as detailed in the Service Directors' decision report in Appendix 2, and concluded that there were a number of reasons why it would be expedient to make an Extinguishment Order. The reasons, summarised, were that:
1. The Network Rail CCTV path user survey showed that there is some use of the rail crossing but that the number of users counted during the survey was very small.
  2. Megaloughton Lane, at approximately 745 metres long is only about 20 metres shorter than the alternative route CD and is far safer in that it includes a footbridge over the railway line. It was acknowledged, however, that cyclists may have difficulties pushing their cycles up and down the footbridge, adjacent to the Raynesway/A52 slip road, using the provided cycle rail and that it could add to their travel time.
  3. Route EF, which uses the same end point as Megaloughton Lane and route CD for easier comparison, is approximately 1.4 kilometres in length and provides a second alternative route to Megaloughton Lane. It is nearly twice as long as Megaloughton Lane but it was expected that this route would be used primarily by cyclists, for who this extra distance would not be excessive.
  4. The two alternative routes CD and EF may not be quite as convenient for the regular users of Megaloughton Lane but it is considered that they do not place excessive additional burdens on path users and they're much safer.
- 4.11 The Council made a Public Path Extinguishment Order under Section 118 Highways Act 1980 on 6th March 2014, using the powers delegated to the Service Directors. The Order will extinguish 45 metres of path running from Point A on the Order map in a north easterly direction to point B on the Order plan, as shown by the bold continuous line. A copy of the Order plan can be found in Appendix 2 to this report.
- 4.12 The Council received six responses to the Order, of which five were objections. Three of the five objections came from local residents who have not been identified in this report. The other two objections came from local organisations. The other comment also came from a local organisation. A summary of the responses to the Order can be found in paragraphs 4.13 to 4.18 and full copies of all the responses can be found in Appendix 3 to this report.
- 4.13 Objector A, a resident of Spondon, objected to the Order by letter dated 15<sup>th</sup> March 2014. He believed that the crossing was perfectly safe and disputed Network Rail's view that the section of path was not needed for public use and the organisation's implication that the crossing wasn't safe, as he felt that there was a good line of sight when crossing the railway line. He also considered Network Rail's half hour "quick census" that took place on 18<sup>th</sup> December 2012 to be flawed. He stated that he used this crossing on a daily basis from his Spondon home to his place of work on Raynesway and also at weekends to visit the city centre. He believed that the alternatives which involve carrying his bicycle up steep steps at Spondon Railway Station or the footbridge adjacent the Raynesway/A52 slip road were unsatisfactory and expressed concerns about having to use the public footpath adjacent the A52.

- 4.14 Objector B, a resident of Spondon, objected to the Order in his letter dated 18<sup>th</sup> March 2014. He stated that he used the route to cycle to work and considered that the recent alterations that Network Rail had made to the gates on the crossing had made it hard to lift his bike across the lines. He suggested upgrading the Raynesway pedestrian footbridge with cycle friendly ramps.

In his follow-up email dated 20<sup>th</sup> March 2014, he re-emphasised the point that the Raynesway/A52 footbridge needed to be upgraded with a ramped access because carrying bicycles up steps added to journey times and caused an element of risk to those who might physically struggle with the task. He reemphasised the convenience of the crossing and the fact that recent alterations to the gate had made it more hazardous for cyclists. He acknowledged that whilst there may not be many people in total using the crossing, it's probably a high proportion of those travelling between Raynesway and Spondon. He considered that the Council should be encouraging more people to walk or cycle to work on environmental grounds and to reduce congestion.

- 4.15 Objector C, a resident of Spondon, stated in his email dated 19<sup>th</sup> March 2014 that he wished to strongly object to the Order. He stated that he, along with his wife and many other people, used the path daily on their journeys to work and had used the crossing for many years with no problems. He did not agree with Network Rail's supporting statements which he believed implied the crossing was unsafe as he believed the visibility to be very good and was not aware of any accidents on the crossing. He wondered why we had made the Order as it would put his wife and himself and possibly others off cycling to work, which the Council was encouraging. Like Objector A, he was concerned with the 10 minute wait at the level crossing at Spondon Railway Station and that the alternative was to carry his bike over the footbridge. He also stated that if the crossing was closed, he would travel to work in his car as it would be more convenient. He considered that the crossing is very useful and used more than we think.

In his follow-up email, dated 17<sup>th</sup> April 2014, he stated that whilst he was happy with the recently resurfaced public footpath alongside the A52, he found the cycle rail on the footbridge to be extremely steep and too close to the safety railing, meaning that it was a struggle for both him and his wife to push a bicycle up the steps and difficult to control a bicycle when pushing it down. He considered that the use of the cycle rail would be hazardous in the winter.

- 4.16 The Walks Co-ordinator for Derwent Trekkers, in his email dated 4<sup>th</sup> April 2014, stated that although he did not consider Megaloughton Lane itself to be a good walking route, he believed that it formed a link between the Derby Canal Path from Sandiacre to the Derby Canal Path from Swarkestone by way of the Riverside Path and Alvaston Park. He claimed that the obvious alternative route from Spondon, which involves crossing the railway at Station Road and then following Celanese Road with its narrow footway and heavy traffic, was more dangerous to walkers than the level crossing. He stated that he was aware of the other alternative route, the public footpath alongside the A52 which includes the footbridge alongside the Raynesway/A52 slip road. He also queried why the Megaloughton Lane level crossing should be closed and walkers be diverted onto routes with more road traffic that he considered were less safe.

In his follow-up email, dated 6<sup>th</sup> April 2014, he stated that he did not wish to object to the Order but made some general comments about the public path network in the Spondon area.

- 4.17 The Derby City Area Officer of the Peak and Northern Footpaths Society objected by email dated 12<sup>th</sup> March 2014. She stated that she had doubts about the Order, centred on the statement in the Service Directors' decision report, which stated that the route is currently used and that it would likely remain used if the Order were not confirmed. She considered that on the face of it, therefore, this is contrary to the provisions of Section 118 Highways Act 1980. She stated that when considered as a whole it might be appropriate for the route to be extinguished. She added that as the Society was not consulted at the pre-Order making stage, she had not had the opportunity to see if this is the case. She asked for the contact details of relevant local organisations to seek out the opinions of local users of the path.

In her follow-up email dated 14<sup>th</sup> March 2014, she stated that her reason for thinking that the Order might not meet the requirements of Section 118 is that it appears from the Council Service Directors' decision report that the route is currently used and that if the Order were not made, the route would "remain in use". She stated that It was the quantity of this use which concerns her and added that some use of a route if an Order is not made is acceptable under the provisions of Section 118, but a judgement must be made as to the probable amount of such use and whether or not this use is "needed" rather than "wanted".

- 4.18 The Spondon Historical Society, in its letter dated 11<sup>th</sup> April 2014, objected to the Order. It considered that there is no record of any accidents, the gates are suitable for pedestrians and cyclists and the historic route is quieter and pleasanter than the public footpath adjacent the A52. It did not believe the statement that children played on the line and was not aware of any camera footage showing this.
- 4.19 The scheme sponsor from Network Rail and Council Officers met with the objectors to the Order on 11<sup>th</sup> February 2016. The representative gave a presentation and set out Network Rail's reasoning for wanting the Order confirmed. It was stated that Network Rail is required by the Department for Transport to increase line speed on the Midlands Mainline between St Pancras and Sheffield to reduce journey times. It is also required to reduce risk on its level crossings nationally. Network Rail referred to its May 2015 feasibility report. These included cycle channel adaptations to the existing footbridge alongside the Raynesway/A52 slip road and an alternative standalone

structure at the location of the level crossing. The report concluded that:

- the existing bridge would require significant work to allow step free access, land purchase and derogation to Highways standards. Construction costs ranged from £1.5m to £1.8m.
- the new bridge would require land purchase. Construction costs ranged from £1.75m to £2.9m.

In its presentation, Network Rail also referred to a pedestrian usage survey of the level crossing that it carried out from 19<sup>th</sup> January 2016 to 2<sup>nd</sup> February 2016. It recorded an average of 5 - 6 daily uses over 12 day period. There were 8 instances of use by cyclists, 59 by pedestrians, not all of which crossed the line, and there was one case of misuse. Network Rail also referred to its October 2015 Diversity Impact Assessment (DIA) it uses to demonstrate that it has paid due regard to its duties within the Equality Act 2010.

Both Network Rail and the Council asked the local path users what measures of mitigation might make them consider withdrawing their objections. The practicality of the alternative routes was discussed Both organisations stated that they would report back to the local path users after the measures discussed had been considered. Copies of Network Rail's presentation, Diversity Impact Assessment and the Council notes of this meeting can be found in Appendix 4 to this report.

4.20 Network Rail carried out its final consultation with the objectors to the Order, beginning on 11<sup>th</sup> October 2016 through to 1<sup>st</sup> November 2016. The purpose was to persuade the consultees to withdraw their objections. Network Rail explained that it was committed to improving safety at level crossings. It stated that it had considered:

- "Installing a ramped access to Raynesway Bridge. This option was eliminated due to lack of public funding due to the extent of significant work involved
- Installing a cycle channel on Spondon Station footbridge. This requires the permission of the Train Operator who manages the station and unfortunately it has not been possible to obtain this. The Train Operator and our Asset Manager expressed serious concerns that cycle channels create trip hazards for the majority of existing and new users which are pedestrians.
- Provision of funding to Derby City Council to undertake other improvements in the area. Unfortunately Network Rail in its new status is not permitted to do this under the terms of its operating license."

Network Rail also stated that it would be "undertaking works in future which deliver improvements to the alternative route at Spondon Station. Works are scheduled at the Level Crossing in September 2018 which will reduce the duration of the crossing barriers being down which road users will benefit from and the station footbridge is due for renewal during our next Control Period (2019 - 2024), providing the opportunity at that time to provide better accessibility." A copy of Network Rail's consultation letter can be found in Appendix 5 to this report.

- 4.21 Network Rail received two responses to their consultation from local path users who had previously objected to the Order.
- Objector A stated that as no improvements had been made then he could not withdraw his objection.
  - Objector C stated that having considered Network Rail's proposals, he could not withdraw his and his wife's objection as, although they had tried the alternative routes, they still felt that the crossing was the most convenient and safest option. He added that they both still used the crossing on a daily basis and would continue to do so.

Copies of the two responses can be found in Appendix 5 to this report.

- 4.22 In paragraph 4.10, it was stated that the justification for why the Council considered that it was expedient to make the Extinguishment Order in 2014 was that:
1. Network Rail's crossing use surveys suggested that there was very little use of the path by the public.
  2. the two alternative routes, the public footpath by way of the footbridge adjacent Raynesway and the road route using Megaloughton Lane and Celanese Road, whilst not quite as convenient for the regular users of Megaloughton Lane crossing do not place excessive additional burdens on path users and they're much safer.
- 4.23 In paragraph 4.3, it was stated that the closure of Megaloughton Lane would allow Network Rail to increase the local railway line speed which would provide socio-economic benefits. A secondary factor is that it would also allow Network Rail to reduce risk and fatality and weighted injuries (FWI) in line with the Department for Transport's requirements.
- 4.24 Despite the small number of strong objections, there's nothing additional that would change the original conclusion to extinguish the footpath.
- 4.25 With there being duly made objections to the Order which have not been withdrawn, the Council cannot confirm the Order, so it is recommended that Members refer the Order to the Secretary of State for confirmation.

## **OTHER OPTIONS CONSIDERED**

- 5.1 The Council could determine that its Extinguishment Order should be withdrawn because the path is still needed by the public. The evidence suggests, however, that the path is not needed by the public at large but is desired by a very small number of local path users.

This report has been approved by the following officers:

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Stephen Teasdale
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<b>For more information contact:</b>	Ray Brown 01332 642114 <a href="mailto:ray.brown@derby.gov.uk">ray.brown@derby.gov.uk</a>
<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 - Implications Appendix 2 - Application for Extinguishment Order by Network Rail, July 2013, Report of delegated decision by Service Directors to make Extinguishment Order, Alternative Routes plan The Derby City Council Megaloughton Lane Extinguishment Order 2014 plan, Photograph of Megaloughton Lane Level Crossing Appendix 3 - Comments and objections to the Derby City Council Megaloughton Lane Extinguishment Order 2014 Appendix 4 - Notes of meeting with objectors - 11 <sup>th</sup> February 2016, Network Rail's Presentation, Network Rail's Diversity Impact Assessment Appendix 5 - Consultation by Network Rail - October/November 2016, Responses to Network Rail's October/November 2016 consultation

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 The Council has to pay to advertise the confirmation of any Order in a local newspaper but can recover those costs from the applicant.

**Legal**

- 2.1 The Derby City Council Megaloughton Lane Extinguishment Order 2014 was made on 6 March 2014 under Section 118 Highways Act 1980 by the Service Directors under their delegated powers.
- 2.2 Section 118 (1) of the Highways Act 1980 provides:
 

*“...where it appears to a council as respects a footpath or bridleway in their area (...) that it is expedient that the path or way should be stopped up on the ground that it is not needed for public use, the council may by Order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed Order, extinguish the public right of way over the path or way.”*
- 2.3 Section 118 (2) of the Highways Act 1980 provides:
 

*“the Secretary of State shall not confirm a public path Extinguishment Order, and a council shall not confirm such an Order as an unopposed Order, unless he or, as the case may be, they are satisfied that it is expedient so to do having regard to the extent (if any) to which it appears to him or, as the case may be, them that the path or way would, apart from the Order, be likely to be used by the public, and having regard to the effect which the extinguishment of the right of way would have as respects land served by the path or way, account being taken of the provisions as to compensation contained in Section 28 as applied by Section 121(2).”*
- 2.4 Whilst the making of an Order and confirmation of an unopposed Order is delegated to the Service Director(s), where there are objections, the Council’s Constitution requires that the Planning Control Committee determine whether to continue with the Order and refer its confirmation to Secretary of State. The Committee can decide either to:
  1. forward the Order to the Secretary of State for confirmation; or
  2. not progress with the Order.
- 2.5 Once an Order has been advertised, local authorities are expected to make every effort to resolve objections and to secure their withdrawal. A representation or objection is duly made to an Order, provided it is within time and in the manner specified in the notice. If duly made objections are not withdrawn then the Order cannot be confirmed by the Order making authority.

## **Classification: OFFICIAL**

2.6 In the tests for deciding whether to confirm the Order, the Council or the Secretary of State, will have to have regard to the effect which:

- the diversion would have on public enjoyment of the path or way as a whole; and;
- the coming into operation of the Order would have as respects other land served by the existing right of way; and;
- any new public right of way created by the Order would have as respects the land over which the right is so created and any land held with it, account being taken of the provisions as to compensation.

### **Personnel**

3.1 None.

### **IT**

4.1 None.

### **Equalities Impact**

5.1 None.

### **Health and Safety**

6.1 Whilst it must be emphasised that Network Rail is not requesting the closure of the level crossing on safety grounds, there is clearly a risk of injury to users of the crossing from speeding trains. The evidence of use suggests that the crossing is normally used properly. Network Rail will not be able to increase the line speed for as long as the level crossing remains open.

### **Environmental Sustainability**

7.1 The Megaloughton Lane level crossing route provides a relatively quiet off main road route for path users, particularly cyclists.

### **Property and Asset Management**

8.1 None.

### **Risk Management**

9.1 None.

### **Corporate objectives and priorities for change**

10.1 None.

## **Classification: OFFICIAL**



Derby City Council

# Application for the Extinguishment of a Public Right of Way

Please read 'Applicant Guidance Notes' carefully before completing all sections of this form.

## 1 Applicant

a) Name: Robert Northall on behalf of Network Rail Address: Desk 356,  
Floor 11, The Mailbox, 100 Wharfside St, Birmingham

Postcode: B1 1RT Telephone: [REDACTED] Mobile: [REDACTED] Email:

[REDACTED]

b) What is your interest in the land? Landowner  Occupier  Lessee  Other Party

c) If a limited company, give the address of your registered office.

Network Rail Infrastructure Ltd Registered Office Kings Place, York Way, London N1 9AG  
Registered in England and Wales No. 2904587

## 2 Agent

a) Name: N/A Address: \_\_\_\_\_

Postcode: \_\_\_\_\_ Telephone: \_\_\_\_\_

\_\_\_\_\_ Mobile: \_\_\_\_\_

\_\_\_\_\_ Email: \_\_\_\_\_

\_\_\_\_\_

## 3 Land Ownership

a) Do you own all of the land affected by the proposed extinguishment? Yes  No

- b) If no, provide details of all other affected landowners, occupiers, lessees and other parties, stating their interest in the land. *This application form should be accompanied by a letter of consent and accompanying plan showing the extent / interest of each affected landowner, occupier, lessee or other party affected by the proposal.*

i) \_\_\_\_\_  
\_\_\_\_\_

ii) \_\_\_\_\_  
\_\_\_\_\_

- c) Are there any areas of land affected by the proposal for which ownership has not been identified? If yes, give details and include a plan showing any unidentified ownership.  
N/A

#### 4 Statutory Undertakers

Will the proposed extinguishment affect any rights or apparatus belonging to any statutory undertaker? If yes, give details:

Network Rail

#### 5 Reasons for application

Please state your reasons for wanting an extinguishment order. We will only make an Order if we consider that the tests of Section 118 of the Highways Act 1980 have been fully satisfied.

Network Rail is applying to close this footpath level crossing as an interested landowner because it is no longer needed for public use. It is felt this closure will also rectify the prevailing position that the public rights in this area are found currently i.e. this footpath is not required because there are equally convenient alternative routes. Network Rail believes that this footpath is not needed as it serves as an unnecessary duplicate footpath route because of the layout of surrounding roads and footpaths. To the north Megaloughton Lane runs roughly parallel to another footpath which runs along Brian Clough Way and these paths meet at the junction with Derby Road A6005, which serves the same purpose. Further to this, Celanese Road south of the level crossing and to the east Station Road already provides a similar route over Spondon Station Level crossing. It should be stated these equally convenient alternative routes are safer for members of the public to use compared to using Megaloughton Lane level crossing and its surrounding approaches which also have inherent safety issues.

Network Rail believes that Megaloughton Lane Public Footpath is not needed for public use and that it would be expedient to stop up the right of way which crosses the railway because there is a small amount of use on the footpath which is likely to decrease further with the closure of the British Celanese site and there are two more suitable, equally as convenient and safer alternative routes.

During a quick census that took place between 14:00 & 14:30 on 18/12/12 there was no use of Megaloughton Lane Public Footpath Level Crossing. Network Rail's user survey from 3/12/12 to 13/12/12 showed 70 uses (most repeat users) over a survey period of ten days. The results show no more than 10 users in any 24 hour period for the 10 days which the CCTV survey was carried out including a football match day on the 8<sup>th</sup> with an average of 7 users per day. Half of the users had bicycles which would mean that if the route was diverted then it would not affect their travelling time too significantly. Network Rail is also prepared to enhance the alternative route with provision of street lighting, as a goodwill gesture. Closure of nearby British Celanese site will likely further reduce the numbers using this crossing and the main route over Spondon Station Level Crossing would still be available to the public.

The footpath is not required for public use because there are two other suitable, much safer and equally convenient alternative routes in the nearby vicinity which essentially serve the same route; one over the A52 stepped footbridge and the other a public road access over Spondon Station level crossing which also carries the designated cycle route 66, and therefore it is argued the footpath link is not required. Please refer to additional document highlighting the proposed cycle channels enhancement to the A52 footbridge, other works as well as the highlighted risks and potential safety benefits that could be gained from stopping up of this highway.

After consulting with Derby City Council's (DCC) Rights of Way team and the Sustainable Transport Group) and also with A1plus (management company for the Highway Authority) as part of the extinguishment order Network Rail proposes that were the Celanese site, to the north of Megaloughton Lane Public Footpath Level Crossing, be redeveloped in the future and if improved access was required Network Rail would agree to allow a suitable footbridge to be built at the site of the existing level crossing.

Apart from the fact Network Rail believe that the footpath is not needed or public use the other factors that Network Rail feels should be taken into consideration would be the benefits to the public safety were the level crossing to be removed from the railway network. In this case there are equally convenient alternative routes to using the level crossing; using the A52 footbridge and using Spondon Station Level crossing which has full barriers and has all the latest safety controlled equipment and these routes are also much safer in comparison to using the public footpath over Megaloughton Lane level crossing. Both approaches to the footpath level crossing have inherent safety and risk issues; (please refer to the additional document attached which highlights the mitigation work and safety issues when approaching the level crossing). On the Celanese Road (southern) side of the level crossing there is only a pavement on the opposite side of the level crossing and therefore pedestrians have to cross the road on a bend before they can access the approach to the level crossing. Further to this the approach area adjacent to the level crossing entrance is used as a lay-by and is a fly tipping hot spot; these issues would also be addressed and resolved if this extinguishment proceeded. Once across the road pedestrians then have to take care crossing the busy railway and then walk along the northern approach to the level crossing on Megaloughton Lane; this road has no pavement, no lighting, is dark and it is hazardous to pass cars which drive along this old road to the scrap yard (see additional document). Removing this level crossing will remove these additional risks along with the risks associated with crossing the railway in this location and provide an improvement to the cycle network. A safe and well lit passage to either side of the railway line can instead be gained over the A52 footbridge or the much safer Spondon Station Level Crossing which are equally convenient for users. Spondon Station Level Crossing already accommodates cycle route no.66, accommodates all modes of transport, is equipped with full barriers and is controlled by lights and the area is well lit in comparison to the dark and more hazardous footpath level crossing at Megaloughton Lane which does not have the benefit of barriers or level crossing lights. Even though there is some use of the footpath and level crossing, which will likely reduce, the equally convenient alternatives and benefits that can be gained from closing the level crossing and the approaches to the crossing Network Rail believes should be emphasised as the in the best interests of the public and most expedient.

The All Level Crossing Risk Model shows the risk score for this level crossing as C4, border line high risk; the source for this information is the Operations Risk Advisor Martin Brown at Network Rail. The removal of the level crossing would allow a reduction of the risk and an increase in safety on the railway line, to train passengers and the public, and railway staff.

This would remove the inherent risks involved by members of the public crossing the railway at grade, and remove the potential for accidents or deaths and the associated trauma that arises from such incidents. The safety issues are heightened by improper use of the level crossing for example pedestrians are increasingly not paying attention when traversing these hazardous junctures with trains and the railway using mobile phones, mp3 players, headphones and generally ignoring the level crossing instruction signage. If you combine this with increased use on the railway line by freight and passenger services alike this can quickly heighten risks at level crossings which could lead to tragic consequences.

Network Rail also consulted with DCC's Rights of Way Team and Sustainable Transport Group on this proposal, the officers understand the safety concerns over the crossing. DCC Rights of Way Team also consulted with the "Spondon Neighbourhood Board members who were reportedly fully in support of the proposal to close what they considered to be a dangerous rail crossing". Network Rail believes that along with this support and the facts laid out above that this footpath is not needed for public use and closure is the right course of action to take.

In conclusion, Network Rail feels strongly that this footpath is not required because of the limited use which can be accommodated far more safely and equally conveniently by the two alternative routes over the A52 footbridge and Spondon public road level crossing; the former will also benefit from an enhanced access by additional street lighting, which Network Rail will provide as a good will gesture, were an extinguishment order confirmed. Not only this but Network Rail believes that stopping up of the footpath would be expedient because of the potential safety benefit for the public, railway staff and passengers by removing this level crossing and the associated risks identified above when using, accessing and approaching the level crossing which would be beneficial to the public and local area.

#### **Details of path to be extinguished**

*This*

- a) Is the path a:                      Footpath                       Bridleway                       Cycleway
- b) If a definitive path please give its name and number.  
Megaloughton Lane Public Footpath

*application form should be accompanied by a map clearly showing the route to be extinguished, ideally to a scale of 1:2500, or the largest scale readily available.*

- c) Please provide OS grid reference for start and finish point of affected section of path.

SK391353 d) What is the length and width (in metres) of the affected section of path? 20m in length and 2m wide section of footpath

**7 Costs**

- a) If we decide to proceed with an application for an extinguishment Order, we will normally do so subject to the applicant agreeing to cover our costs incurred in processing the application, making the Order, consulting relevant bodies and publishing the statutory notices.
- b) We have the discretion to waive part or all of the charges where this is considered appropriate.
- c) Applicants may still be liable for payment of costs if they withdraw an application.

**8 Applicant's declaration**

- a) We understand that no authority for the extinguishment of a footpath is conferred unless: i) the appropriate Order has been made and confirmed ii) notices have been published, and iii) any necessary works have been completed and the Order brought into operation.
- b) We agree to pay all costs for processing the application and making the Order.
- c) I hereby declare that the information provided in respect of this application is correct to the best of my knowledge.

Signed.....  


Print Name: ROBERT NORTHALL

Position: Liability Negotiations Adviser

Date: 25 June 2013

*As amended. 26<sup>th</sup> November 2013*



*Don Hughes,  
Liability Negotiations Manager*

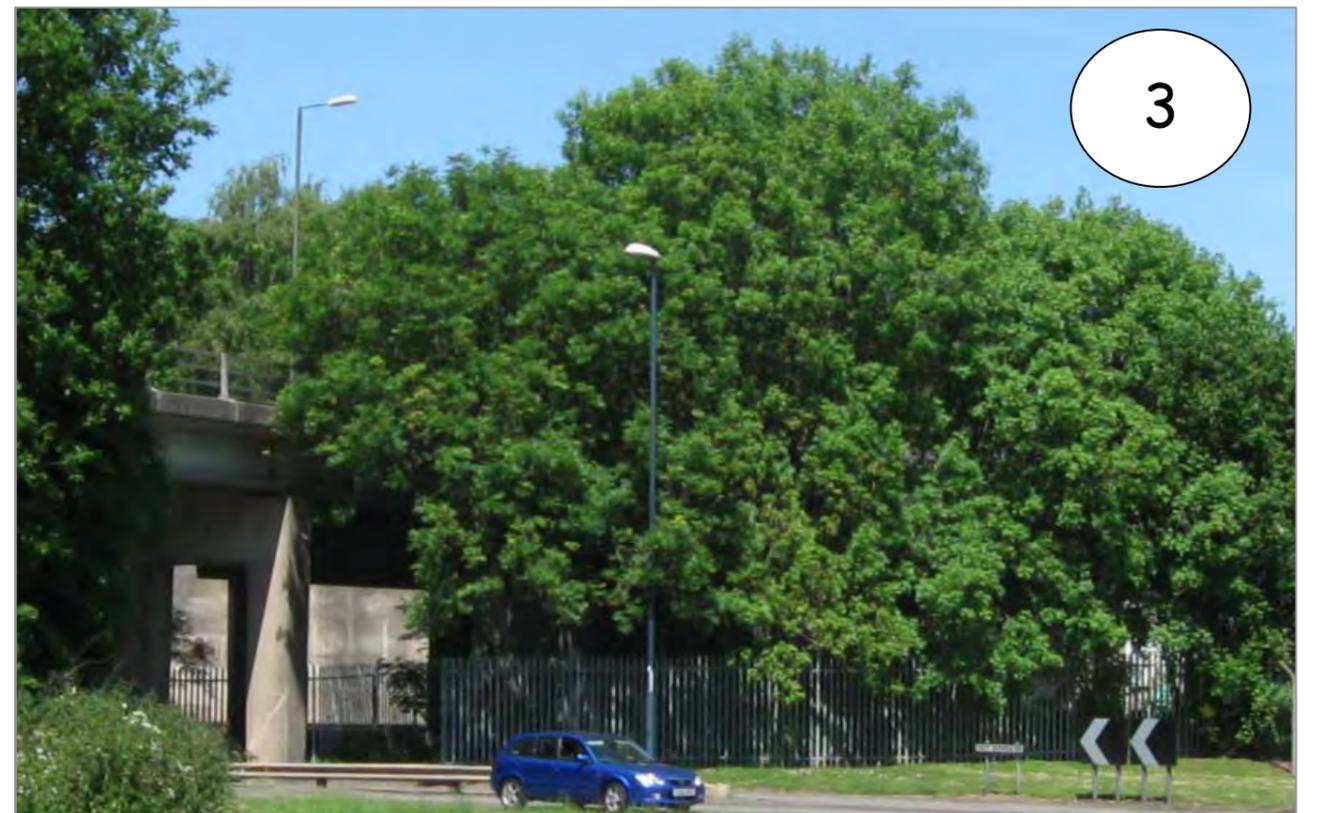
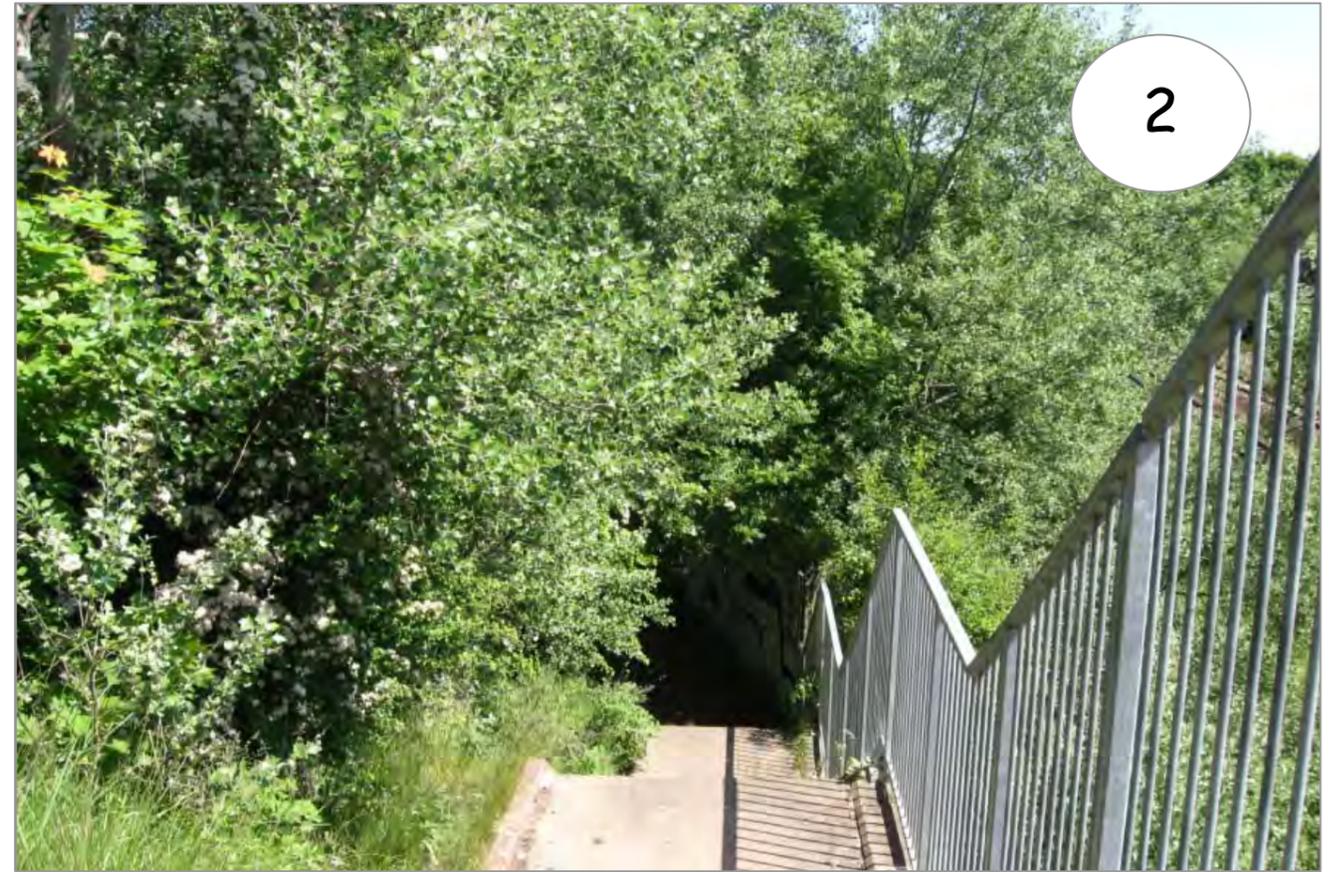
**Return completed application form with enclosures to:**

Rights of Way Officer Planning Division (Second Floor) Derby City Council Neighbourhoods The Council House Corporation Street Derby DE1 2FS

# Megaloughton Lane

## Current Position

1. Bridge steps off East Service Road - Highways
2. Bridge steps off A52/Raynesway - Highways
3. Vegetation surrounding East Service Road steps





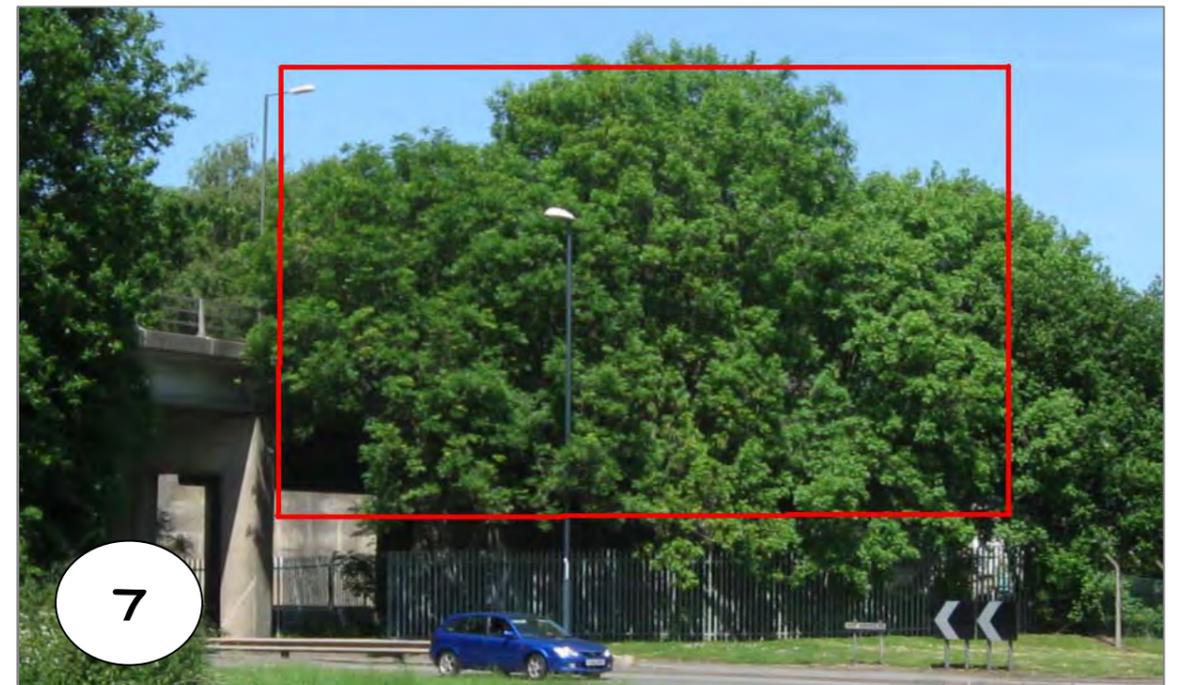
Proposed works to support extinguishment of the level crossing

4. Visualisation of a cycle channel fitted to the steps (see Item 1). These channels would also be installed on the A52/Ranesway side of the bridge.

5. An example of a cycle channel installed on a set of concrete steps - exact design subject to variation.

6. See Item 2 - Network Rail would be willing to cut back this third party vegetation subject to landowner approval.

7. Minor works proposed including vegetation management to increase natural light around the East Service Road steps.





Item 8 - Access to Megaloughton Level Crossing via Megaloughton Lane (north side). Note the dense vegetation, absence of lighting and that there is no position of safety to enable vehicles to pass on approach.

Item 9 - Access to Megaloughton Level Crossing via Celanese Road (south side). Note to reach a position of safety for pedestrians after using the crossing, members of the public have to cross this main road. This area is regularly used as a lay-by and is a known hot spot for fly tipping.

Item 10 - on approach to the crossing from the south side pedestrians are faced with poor sighting due to the curvature of the road, which they must navigate to access the crossing.



Register Number \_\_ \_ / \_\_ \_

**RECORD OF A DECISION BY OFFICERS ACTING UNDER  
DELEGATED POWERS****Director of Planning and Property Services in conjunction with  
Director of Partnerships and Streetpride****Application by Network Rail for order to extinguish pedestrian rail crossing at  
Megaloughton Lane, Spondon****THE ISSUE**

- 1.1 Network Rail has applied for an extinguishment order to close the pedestrian level crossing on Megaloughton Lane. It considers that a section of path, which includes the rail crossing, is no longer needed for public use.
- 1.2 Megaloughton Lane is part road, part path. It is approximately 745 metres long and runs from East Service Road, which is located alongside Raynesway, in a north easterly direction towards the A52/A6005 island. The lane crosses the main railway lines that run from Derby to Nottingham, Leicester and London, by means of a pedestrian level crossing. Vehicular traffic used to be allowed along the whole length of the lane but is now only allowed along the section of the lane, north east of the rail crossing, beyond the public entrance to Albert Looms Ltd. The lane south of Albert Looms' entrance has footpath status only until it meets the carriageway junction of Megaloughton Lane and Celanese Road.
- 1.3 The 45 metres of path that is proposed to be extinguished, as shown by AB on the attached 1:2500 order plan (Plan 1), begins on the northern side of the carriageway junction of Megaloughton Lane and Celanese Road, south of the rail crossing. At this point, there is no footway alongside the carriageway, however, there is one on the opposite side. This first section of path, south of the rail crossing, forms part of a small tarmacked siding which is used as an unofficial parking area. The part of the siding which the path runs through is in unknown ownership, whilst the remaining part forms part of Severn Trent Water Ltd's land holdings. The section of path that forms the rail crossing is in Network Rail ownership. The width of the path varies from approximately 5 metres where it meets the carriageway junction of Megaloughton Lane and Celanese Road; the path narrowing to approximately 1 metre across the railway line.
- 1.4 Network Rail carried out a path user survey, using CCTV, for the rail crossing, which ran from 3 December 2012 to 13 December 2012. The survey revealed that there had been 70 crossings, often repeat users. There were no more than 10 path users in any 24 hour period. Half of the path users had bicycles.

1.5 Network Rail also posted notices for several weeks in 2012 asking for public comment about the proposal to close the crossing. Three path users sent written replies.

- The first path user, from Spondon stated that he used the rail crossing weekly and that it cut out some road travelling when making trips to Normanton and Alvaston.
- The second path user stated that he lived in Spondon and used the route to travel to Alvaston. He considered the route to be the safest for cyclists as it kept them away from Sitwell Street, Willowcroft Road and Nottingham Road in Spondon. He has seen at least 20 other people use the route. He also made a number of suggestions to improve the current route. He considered the footbridge with cycle rails at Spondon station to be very steep and that it was hard to push or carry a bike up them.
- The third path user used the rail crossing on week days and found it saved him about 15 minutes journey time.

1.6 Network Rail considers that there are two alternative routes, as shown on the attached 1:5000 alternative routes plan (Plan 2), which negate the need for the Megaloughton Lane path.

- The first alternative route, Route CD, shown in blue, uses the footbridge over the railway lines approximately 240 metres to the west of the Megaloughton Lane crossing. The route begins at the junction of Megaloughton Lane and East Service Road, then along East Service Road, over the footbridge over the railway lines, then follows the existing footpath adjoining A52, through to junction of Megaloughton Lane and the A52/A6005 traffic island. The length is slightly longer than the Megaloughton Lane path at approximately 765 metres.
- The second alternative route, Route EF, shown in red, which is more practical for cyclists, begins at the junction of Megaloughton Lane and East Service Road, then along Celanese Road and Holme Lane, then over the pedestrian bridge, which has a cycle rail, and on to Station Road. It then follows Public Footpath No. 33 Spondon north westwards to the A52/A6005 traffic island. The route ends at point F, which is the same end point as Megaloughton Lane and Route CD. The length is approximately 1.4 kilometres which is nearly twice as long as Megaloughton Lane. It is acknowledged that most cyclists will take their own route into Spondon once they reach Station Road rather than ride on to Point F but the use of Point F as an end point makes for an easier comparison of the differing lengths of the routes in question. The Station Road pedestrian bridge is approximately 560 metres to the east of the Megaloughton Lane crossing.

- 1.7 Network Rail is also concerned about the safety of the Megaloughton Lane rail crossing as the section of track is used by fast trains running to and from major neighbouring cities and London. The speed of trains approaching the rail crossing from the direction of Spondon is 85 mph. The speed of trains approaching the crossing from the direction of Derby is 70 mph owing to a speed restriction which has been imposed because of the reduced warning time available to crossing users. In the event of the crossing being closed at a future date, this speed restriction would be removed.
- 1.8 Following discussions with the Council's Environment team, Sustainable Transport Group, A-one+ (the management company for the Highway Authority) and Network Rail, a schedule of improvement works have been agreed that would lessen the impact of the loss of the Megaloughton Lane on the public.
- Network Rail has volunteered to pay the costs of a lighting scheme, approximately £40,000, for the public footpath (a section of Public Footpath No. 33 Spondon) alongside a section of the A52 between East Service Road and the A52/Derby Road island, subject to the order being made and confirmed.
  - A-one+ has agreed to upgrade the surface of the public footpath to cycle path standard and provide cycle channels to assist cyclists wanting to utilise a stepped footbridge alongside the Raynesway/ A52 slip road, as part of its highway improvement programme.
- 1.9 Council officers discussed with Network Rail the possibility of a cycle friendly footbridge to replace the rail crossing. Network Rail considers, however, that the logistics and cost of a bridge scheme would be unreasonable, considering the relatively small number of path users at this time. Network Rail has stated, however, that should the Celanese site to the north of the crossing ever be redeveloped and if improved access was required, it would agree to allow a suitable footbridge to be built.
- 1.10 After the rail crossing has been extinguished, it would be fenced off on the northern and southern sides. The siding to the south of the crossing would be closed off in some manner to be agreed between Network Rail and our Environmental Protection team in order to prevent fly tipping. Severn Trent Ltd, being an adjacent landowner, would also need to be involved.
- 1.11 If we chose not to make the order, we would be left with a little used crossing with serious safety concerns, remaining in use by the public. This would not be a desirable situation for either Network Rail or the Council.

- 1.12 In summary, there are a number of reasons why it is considered that it is expedient to make the extinguishment order.
1. The Network Rail CCTV path user survey showed that there is some use of the rail crossing but that the number of users counted during the survey was very small.
  2. Megaloughton Lane, which includes the rail crossing, is approximately 745 metres long. The two alternative routes are shown as route CD and route EF on Plan 2. Route CD, which is approximately 765 metres in length, is only about 20 metres longer than Megaloughton Lane and is far safer in that it includes a pedestrian bridge over the railway line. It is acknowledged, however, that cyclists would have to push their cycles up and down the pedestrian bridge, adjacent to the Raynesway/A52 slip road, using the provided cycle rail, which could add to their journey time.
  3. Route EF, which uses the same end point as Megaloughton Lane and route CD for easier comparison, is approximately 1.4 kilometres in length and provides a second alternative route to Megaloughton Lane. It is nearly twice as long as Megaloughton Lane but we would expect this route, however, to be used primarily by cyclists, for who this extra distance would not be excessive. Most cyclists will probably not ride from Station Road to point F and will most likely take their own route into Spondon when they reach Station Road.

It is acknowledged that the two alternative routes CD and EF may not be quite as convenient for the regular users of Megaloughton Lane but it is considered that they do not place excessive additional burdens on path users and they're much safer.

- 1.13 For the reasons explained above, it is considered that it would be expedient to make the extinguishment order. If we did not make the order, we would be left with a little used crossing with serious safety concerns, remaining in use. This would not be a desirable situation for the Council or Network Rail.
- 1.14 When the order is made, there will be a 28 day period for comments and objections. If the Council is unable to address the concerns of any objectors then the Council would have to withdraw the order or refer the matter to the Secretary of State.

## **THE PROPOSAL**

- 2.1 To make an order to extinguish a section of Megaloughton Lane running from the carriageway junction of Megaloughton Lane and Celanese Road to the northern side of the rail crossing, as shown by AB on the attached 1:2500 order plan (Plan 1), under Section 118 Highways Act 1980. We consider that the section of Megaloughton Lane which crosses the railway line is no longer required for public use and that it would be expedient to make the extinguishment order.

## FINANCIAL IMPLICATIONS

- 3.1 Network Rail has stated that it will pay approximately £40,000 towards a proposed lighting scheme on Public Footpath No. 33 Spondon on the condition that the extinguishment order is made and confirmed. We have also agreed that Network Rail should pay £600 to cover any administrative costs.

## CONSULTATION

- 4.1 The Operational Manager of adjacent landowner, Albert Looms Ltd, stated that the proposed extinguishment of the rail crossing would cause them no problems so long as they were able to retain a vehicle access down to the side gate of the yard, which is close to the rail crossing. He considered that the crossing has been a problem for many years with children playing near it and that he had personally had to warn them away from it.
- 4.2 Severn Trent Ltd and the joint owners of a small unit adjacent to Albert Looms Ltd have been consulted as adjacent landowners, however, we have had no response from these owners at the time of writing.
- 4.3 The Spondon Neighbourhood Board discussed the proposal at its meeting of 13 February 2013. It was generally supportive of the request to close the crossing.
- It considered that Network Rail's application was worth supporting on safety grounds.
  - It noted that there had only been a small number of crossings by pedestrians and cyclists and considered that many of these crossings had probably been made by the same individuals.
  - It considered that the amount of inconvenience for the few carries less weight than the improvement in their safety and the saving of lives.
  - It noted route is used by cyclists but it is not part of Route 66 - which is the main cycle route being promoted in this area.

It also considered that the alternative routes appeared reasonable, should cyclists not wish to carry cycles up any steps across a bridge.

- 4.4 Internal consultation on the proposal has taken place with:
- Legal Services
  - Traffic and Transportation
  - Environmental Health and Licensing

## **RECOMMENDATION**

- 5.1 To agree to authorise the making of an order to extinguish a section of the Megaloughton Lane highway under Section 118 Highways Act 1980.

**Professional/technical advice was obtained from**

Name Ray Brown

Designation Senior Planning Officer

Name Graham Toon

Designation Senior Technician

**SIGNED CERTIFICATION**

I authorise the extinguishment of a section of Megaloughton Lane, as detailed in this report, in accordance with the Part 3 - Responsibility for Functions and Scheme of Delegations, Part A, Non-Executive Functions, Miscellaneous Functions, No. 4 of the Council's Constitution.



**Signed** \_\_\_\_\_  
Director of Partnerships and Streetpride

**Date** 13 February 2014



**Signed** \_\_\_\_\_  
Director of Planning and Property Services

**Date** 14 February 2014

**Contact Officer:** Ray Brown, Senior Planning Officer, Planning Division

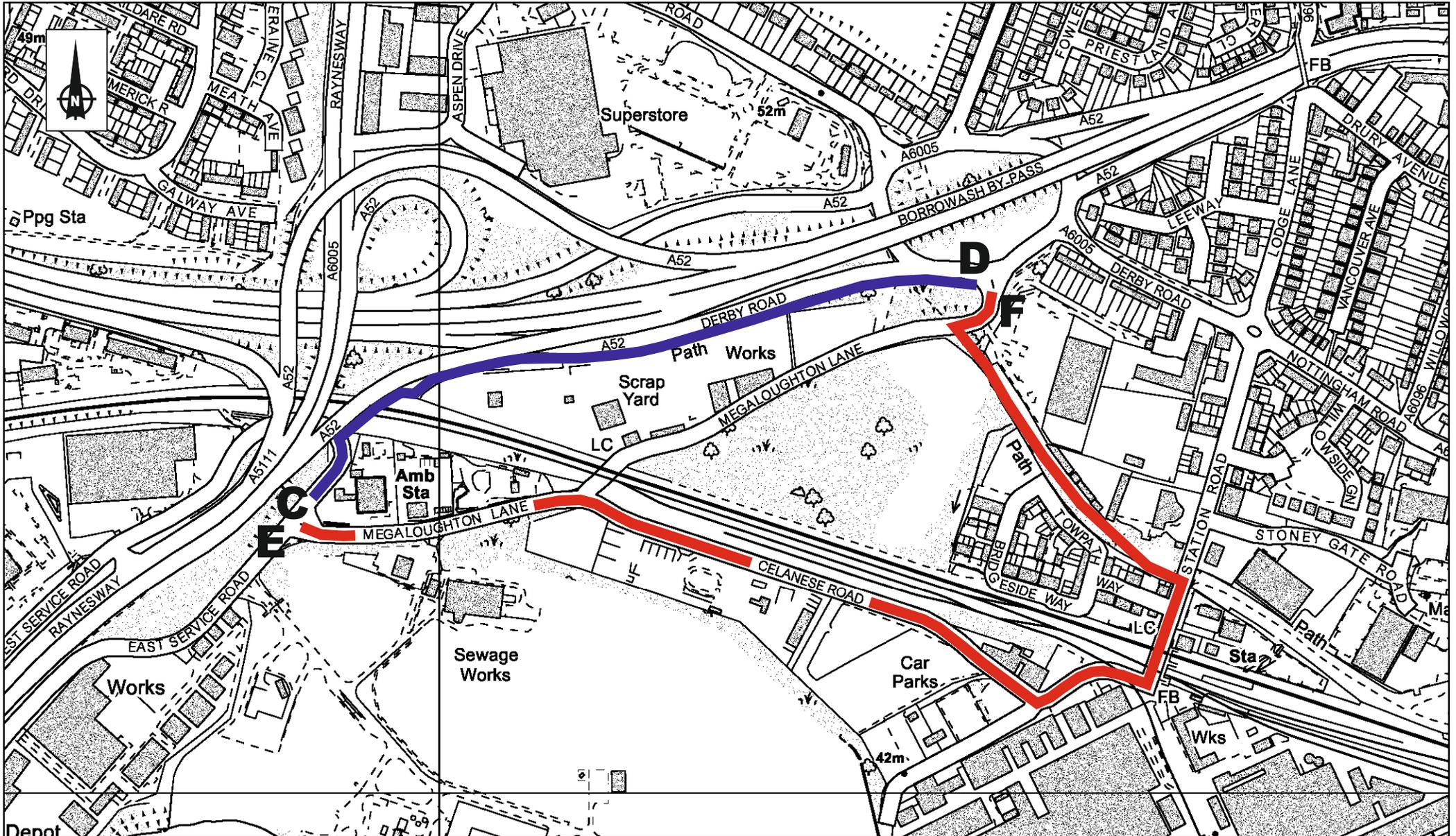
**Tel.** 01332 642114

**Email.** Ray.Brown@Derby.gov.uk

Copies of approved report to be sent to: Stephen Teasdale, Solicitor

David Gartside, Head of Traffic and  
Transportation

David Bartram, Head of Highways and  
Engineering



## Alternative routes Megaloughton Lane rail crossing report

Drawing No: Plan 2  
Date: 05/02/2014  
Map Scale: 1:5000

Contact: Environment Team  
Department:  
Neighbourhoods  
Telephone Number: (01332) 293111



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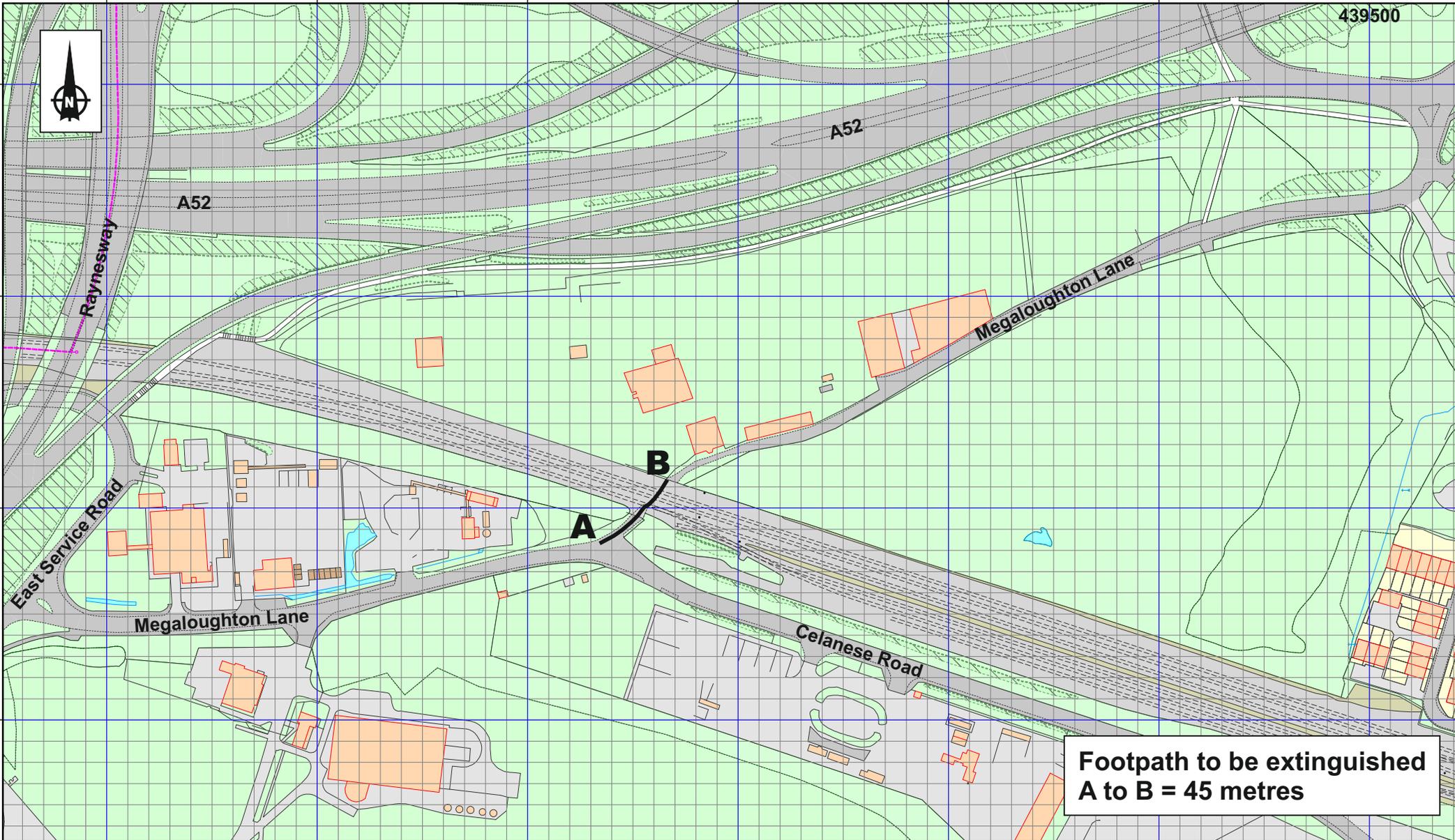
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**Footpath to be extinguished  
A to B = 45 metres**



**Highways Act 1980 Section 118  
Megaloughton Lane, Spondon  
Public Path Extinguishment Order 2014**

Drawing No: **Plan 1**  
Date: 05/02/2014  
Map Scale: 1:2500

Contact: Environment Team  
Department:  
Neighbourhoods  
Telephone Number: (01332) 293111



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15/03/14

Objector A

RE: Objection to extinguish Public Right of Way on Megaloughton Lane, Spondon

Dear Sir/Madam,

I wish to object to the proposal to eliminate the pedestrian crossing.

I use this crossing on a daily basis from my house in Spondon to my place of work in Raynesway and at weekends to access Derby town Centre. The only alternatives are steep steps at Spondon Railways station (the level crossing is always down!) or the steep steps in Reference 1.

I would like to counter the photographs in Reference 1:

1. Photograph 1: The proposed alternatives all involve using steep steps which I would not be able to push my bike up as it has panniers for shopping and workwear.
2. Photograph 8: Shows a dead end. I have never encountered any road vehicles on this section before.
3. Photograph 9/10: This is a perfectly safe crossing. It is far less safe to carry a bicycle up steps (even using a proposed channel), which from a HSE perspective will be slippery and is introducing danger of falls. I would be interested to see the Risk Assessment scorings for both operations – a flat crossing vs steps!
4. Also, If this spot is so well known for fly tipping, why aren't cameras present?

I would like to counter the points raised in Reference 2:

Section 5 “To the north, Megaloughton Lane runs parallel to another footpath” – this involves passing through the very busy Asda roundabout, where cars are speeding to rapidly accelerate to get onto the A52. This is hazardous for both cyclists and walkers. The “Spondon station level crossing” and the “paths...at the junction with Derby Road A6005” both involve steep steps which is dangerous for cyclists, especially elderly cyclists. As before, the level crossing is in frequent use at peak times and waits can be in excess of 10 minutes for the barriers to go back up. The adjacent footbridge is too steep to take a bicycle up.

Although the “closure of the British Celanese” site may affect traffic, the nearby Rolls-Royce site on Raynesway has increased employee numbers by over 1000.

The “quick census” that took place on 18/12/14 between 14:00 and 14:30 will of course not be that busy! This is the coldest time of year when many schools are on holiday and people will be driving. 30 minutes at non-peak times is not a representative sample. Why didn't they monitor traffic in Spring/Summer between 15:00 and 18:00?

“Half of users are cyclists” implies that these people have to carry heavy bicycles up steep steps!

**“The footpath is not required for public use” is incorrect. I require it, as do many of the other cyclists and dog walkers I see using it!**

**“The fact Network Rail believe that the footpath is not needed or “the benefits to public safety” ignore the fact that the pathway gives a good line of sight crossing the railway lines. Continental Europe has many such crossings.**

**I would also like to complain about the poor notification of the intention to close this path. The warning was only on A4 paper, held into place with drawing pins. The paper was not laminated. A suspicious mind might think this was done deliberately to blow away in the wind/get washed off. Please find a picture of their sign below, taken on the 15/3/14. Please ask Network Rail to put up proper signage!**



**I would appreciate it if you would not publish my address.**

**Reference 1: <http://www.derby.gov.uk/media/DerbyCityCouncil-supporting-info-for-Megaloughton-Lane-application-Aug-2013.pdf>**

**Reference 2: <http://www.derby.gov.uk/media/DerbyCityCouncil-application-for-extinguishment-of-public-right-of-way-December-2013.pdf>**

Objector B

Date: 18<sup>th</sup> March 2014

Paul Robinson

Rights of way office

Neighbourhoods

Derby City council

Corporation Street

Derby

DE1 2FS

Subject: -Notification that Public Path extinguishment order 2014- Megaloughton Lane (part) Spondon  
-railway crossing

Dear Paul,

I saw the notice that the Megaloughton Lane lane foot crossing is to close.

As a regular user I would not be happy that it is closed, unless a suitable alternative route is provided.

Recent changes to the cross, make far more dangerous if you are cyclist trying to use the crossing. I.e. on the Albert Looms side, the gate is very close to the track, which means you struggle to get your bike through the gate before being wedged between the gate and the wooden sleepers used as steps.

As a cyclist I use this route to work. An ideal option would be a cycle path that linked onto the Raynesway cycle path at the back of Albert Looms scrap yard. Steps are not really an option. A cycle path that would enable you to ride up to the top of the bridge, rather than having to carry your bicycle up the current step steps. Further improvement would be to extend the path over the ASDA Island.

Sincerely,

20 March 2014

Objector B

Ray,

Thank you for your quick reply.

There appears to be no map showing alternative routes.

A proposal route that involves having to carry cycles up steps is non-start. It adds time to the journey and an element of risk. Not everybody is physically capable of doing this. A gradual sloping cycle path is required up to the A52.

The current railway crossing (subject to closure) reduces the time waiting for trains or having to carry a cycle over the foot bridge. As I said in my letter, recent changes to the crossing have made it more hazardous.

Other alternative routes to access Raynesway, bring you into close contact with traffic. They are also very busy and dangerous (ASDA Island).

There may not be many people using the current path (probably a high proportion of those people that go this way) but at a time when we should be encouraging more people to walk or cycle to work. I.e. on environmental grounds and reduce congestion, we are doing less to encourage people.

How many of the people making these decisions actually walk or cycle?

19<sup>th</sup> March 2014

Objector C

Dear Sir

I wish to strongly object about the proposed closure of the footpath across the train lines at Megaloughton Lane. I currently along with my wife and many other people use this path daily on our journey to work. We have used this crossing for many many years along with many others all with no problems. I assume it is being closed on health and safety grounds as I have read the supporting information and I do not agree with their statements. As far as I know their hasn't been any accidents on the crossing as visibility is very good. In an environment where you are appealing to people to travel green, why are you doing this as it will put myself and my wife off cycling to work and possibly many others as well. They claim that there is another crossing on station road which is correct, but at the times I travel the crossing is always down which means having a 10 minute wait or carrying the bike over the bridge. This is enough to make me just go to work in the car as it's less hassle.

The crossing has been great to use for years. Please don't remove it as it is used more than you think.

Yours Faithfully

17<sup>th</sup> April 2014

Hi

Thankyou for your reply. We have studied the plans and looking at the new footpath decided to trial the new route C/D as this seemed the shortest. The newly surfaced path is great and all seemed to be going well until I reached the bridge. The new rails going up are extremely steep and I struggled to push the bike up, then coming down the other side was even worse. The channel is too close to the railing so my pedals and handle bars clashed with the railings and the bike was very difficult to control going down. In winter this will be a death trap. My wife trialled it and she could barely manage to push her bike up the steps.. In my view there will be a serious accident on these steps especially in winter when icy. Not sure what else can be done but prepare for and accident from someone soon.

Regards

4th April 2014

Walks Co-ordinator - Derwent Trekkers

Dear Sir

I have become aware of the order, presumably for Network Rail's convenience, to close Megaloughton Lane crossing at Spondon. Although it is not a good walking route, Megaloughton Lane forms part of a walking route that links the Derby Canal path from Sandiacre to the Derby Canal path from Swarkestone via the Riverside Path and Alvaston Park.

The order offers no alternative walking routes. The obvious alternative, crossing the railway at Station Road, Spondon and then following Celanese Road which has a narrow footway and carries a lot of traffic, appears to be more dangerous to walkers than Megaloughton Lane crossing which is used by a mere 10 trains an hour. There was another alternative, a footpath alongside the A52 - Raynesway slip road to Raynesway East Service Road but this is currently closed and it includes flights of steps at a railway footbridge.

Please explain why Megaloughton Lane crossing should be closed and walkers be diverted onto routes with more road traffic that are apparently less safe.

6th April 2014

Dear Mr Brown

Thank you for your email with additional information on Megaloughton Lane crossing. I do not intend to object to the closure order as doing so would serve no useful purpose.

The background to my first email is that I am the Walks Co-ordinator for Derwent Trekkers walking group. During March I led a walk for our group around Spondon from Sancroft Road to Aspen Drive which included some footpaths that are not marked on the City Council's map of footpaths in the former parish of Spondon. Megaloughton Lane was not on the route of that walk.

Another walk leader drew my attention to the work that is taking place on the footpath (Spondon 33) that runs parallel to the A52 and is offered as an alternative route to Megaloughton Lane, so I went to investigate after the led walk was over.

As mentioned in my first email, we have considered Megaloughton Lane as a possible walking route from the Derby Canal at Spondon to Alvaston Park but no walk ever took place mainly because of the narrow footway on one side only of Megaloughton Lane / Celanese Road and the walkers having their backs to the oncoming traffic.

Footpath 33 offers a traffic-free route to Raynesway East Service Road but with flights of steps at the railway footbridge. Have you any information on the work taking place on footpath 33, please, and any idea when the work is likely to be completed? I should like one of our walk leaders to consider a walk from Spondon to Alvaston Park later this year.

Archivist - Spondon Historical Society



Charity Number 516458

President Mrs Lucy Palmer

11 April 2014

Rights of Way Officer  
Neighbourhoods  
Derby City Council  
Corporation Street, Derby  
DE1 2FS

Dear Sir

**Derby City Council (Megaloughton Lane (Part) Spondon)  
Public Path Extinguishment Order 2014**

We wish to object to the plans to close the public footpath across the railway line at Megaloughton Lane. We can find no record of accidents. The existing gates make it suitable for passage by pedestrians and cyclists. It is a significantly quieter and pleasanter route than the alternative which goes next to the A52.

It joins the two halves of Megaloughton Lane, which appears to be the only road with that name in the country; indeed in the world. It goes past the former Leach Neal Colour Works, which is of historical interest, part of which premises are used by Albert Looms.

We question "children playing" as there are no houses in the immediate vicinity and apparently no evidence of their being on the line as the cameras would have picked this up. The rough area next to Albert Looms is fenced off.

Yours faithfully

12th March 2014

Derby City Area Officer  
Peak and Northern Footpaths Society

Graham

I was very surprised to receive this email with the attached order. As far as I am aware, the Peak and Northern Footpaths Society has not been consulted about this matter before. It is very bad practice to not consult statutory consultees before an order is made, and if the Society had been consulted, the consultation should have come to me as the Society's Area Officer for Derby City.

I am obliged to send to you a holding objection to the order which will stand until and unless I am able to satisfy myself that the order is correctly made under the relevant legal provisions.

My doubts as to this centre on the statement in the report which you attached to your email saying that the route is currently used and implying that it would remain used if the order were not confirmed. On the face of it, therefore, this is contrary to the provisions of s118 Highways Act 1980.

However, the Society is chiefly concerned with rural recreational paths, and it is possible that in this case the situation is different and considered as a whole it might be more appropriate for the route to be extinguished.

Unfortunately as the Society was not consulted at the pre-order making stage, I have not had the opportunity to see if this is the case. I therefore ask that you send to me email contacts for relevant organisations which I can contact to find out the opinions of local users of the path e.g. residents' association or similar.

When I have been able to investigate this more thoroughly, I will consider whether or not I can withdraw the objection to the order; meanwhile, my objection stands. I look forward to hearing from you soon.

14th March 2014

Ray

Thank you for the email. My reason for thinking that the order might not meet the requirements of s118 is that it appears from the report which you sent to me that the route is currently used and that if the order were not made, the route would "remain in use". It is the quantity of this use which concerns me. As you know, some use of a route if an order is not made is acceptable under the provisions of s118, but a judgement must be made as to the probable amount of such use and whether or not this use is "needed" rather than "wanted".

As I said in my previous email, I do not have sufficient knowledge of this particular situation to assess this, so I will contact the organisations you mentioned in your email for more information. Meanwhile my objection to the order on behalf of the Peak and Northern Footpaths Society still stands. I will contact you again as soon as possible.

## Notes from meeting on Thursday 11<sup>th</sup> February 2016 with Megaloughton Lane level crossing closure with local path users

### Attendees

Objector A (as described in Planning Control Committee report dated 24<sup>th</sup> November 2016)  
 Representative of Derwent Trekkers  
 Representative of Peak and Northern Footpaths Society  
 Objector B (as above)  
 Representative of Spondon Historical Society

Amanda Stone, Commercial Scheme Sponsor, Network Rail

David Dowbenko, Group Manager, Traffic and Transportation  
 Tim Banton, North Area Manager, Traffic and Transportation  
 Ray Brown, Senior Planning Officer, Planning Division

### Apologies

Objector C (as above)

### Introduction

Amanda gave presentation explaining Network Rail's reasons for wanting to close the pedestrian level crossing.

Network Rail is required by the Dept. of Transport to increase line speed on the Midlands Mainline between St Pancras and Sheffield by 8 minutes by end 2014 to reduce journey times. It is also required to reduce risk on its level crossings nationally.

The proposals to build a replacement bridge over the crossing or redesign the existing pedestrian bridge alongside the A52/Raynesway slip road were not considered to be cost effective, especially with the new funding constraints network Rail is under.

Amanda asked the local path users what kind of enhancements to existing cycle and pedestrians' routes would satisfy them enough so that they would not object to the closure of the Megaloughton Lane level crossing.

Local path users highlighted a number of difficulties.

### Cyclists' problems and queries

The design of the new gates on the Megaloughton Lane crossing, which reduce the number of tracks that have to be crossed, has made it more difficult for cyclists to push their bicycles over the crossing.

The cycle channel on pedestrian bridge alongside Raynesway is difficult to use for even strong, young, fit cyclists.

The requirement for carrying bikes up the cycle rail at Spondon Station and then having to wait a longer than comfortable and expected time at the barriers is inconvenient.

### Pedestrian problems and queries

The missing footways along the combined Megaloughton Lane/Celanese Road carriageway to the south of the crossing make it difficult to walk along. This route is also a long alternative for pedestrians compared to the level crossing.

The path to the north of the crossing alongside the A52 is noisy and has no lighting.

### **General problems and queries**

Are there any existing vehicular rights existing at the location of the Megaloughton Lane level crossing?

**We have confirmed that vehicular rights over the level crossing were extinguished by the British Railways Act 1967.**

### **Agreed officer actions**

Ray Brown to share copy of Amanda Stone's presentation on Megaloughton Lane and Network Rail's Diversity Impact Assessment. **Done but attached again**

Amanda to investigate improvements that could be made at Spondon Railway Station.

Amanda and council officers to investigate with A-one+ and Highways England if it's possible to connect the canal path to the A52/Raynesway slip road and create a separate cycle path.

Council officers to investigate improvements that could be made to footways on the along the road sections of Megaloughton Lane and Celanese Road south of the level crossing.

Council officers to aim to contact local path users by end of March 2016 with a list of highways improvement options with approximate costings, where possible, and ask for their views.



# Megaloughton Lane level crossing

Presenter: Amanda Stone

Network Rail Scheme Sponsor

## ***Background***

NR required by DfT to increase line speed on MML between St Pancras and Sheffield by 8 minutes by end 2014 to reduce journey times. All other interventions implemented.

6 more seconds to release at Spondon.

Significant socio-economic benefits from reduced journey times.

DfT also requires NR to reduce risk and FWI for its level crossings nationally.

Megaloughton Lane level crossing risk rating is C4 and FWI 0.002718093

## *What we've done*

Following withdrawal of s118 Order, feasibility report commissioned May 15 to consider alternatives to the crossing.

Options considered:

- Adaptations to Raynesway Bridge

- Alternative standalone structure incorporating ramps.

Problems:

- Existing bridge would require significant work to allow step free access, land purchase and derogation to Highways standards. Construction costs ranged from £1.5m to £1.8m.

- New bridge would required land purchase. Construction costs ranged from £1.75m to £2.9m

## *Alternative options*

Survey of usage carried out. An average of 5 – 6 daily uses over 12 day period. 8 instances of cyclists, 59 of pedestrians (not all crossing), no mobility impaired users and 1 case of mis-use.

Diversity and Inclusion Assessment carried out.

Conclusions:

- Current route from roundabout to East service road 751m.

- 2 alternatives to Megaloughton Lane:

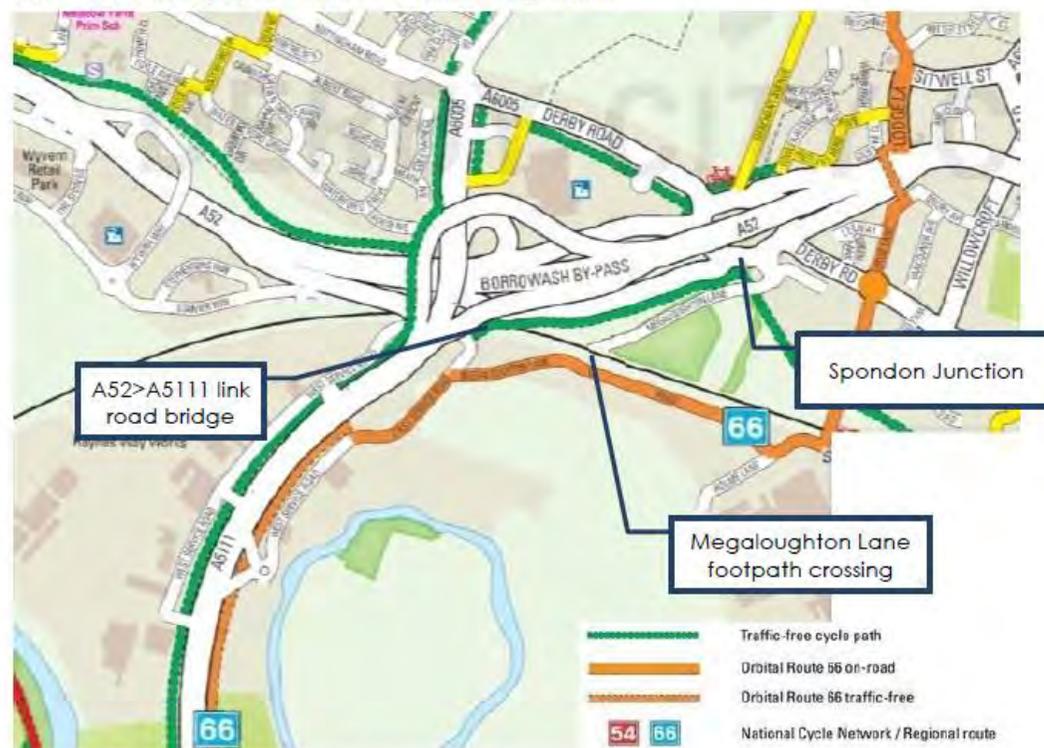
  - Raynesway Bridge - unsuitable for cyclists. Same journey 817m.

  - Spondon Level Crossing. Part of Sustrans Route 66. Same journey 1km.

# Sustrans Route 66

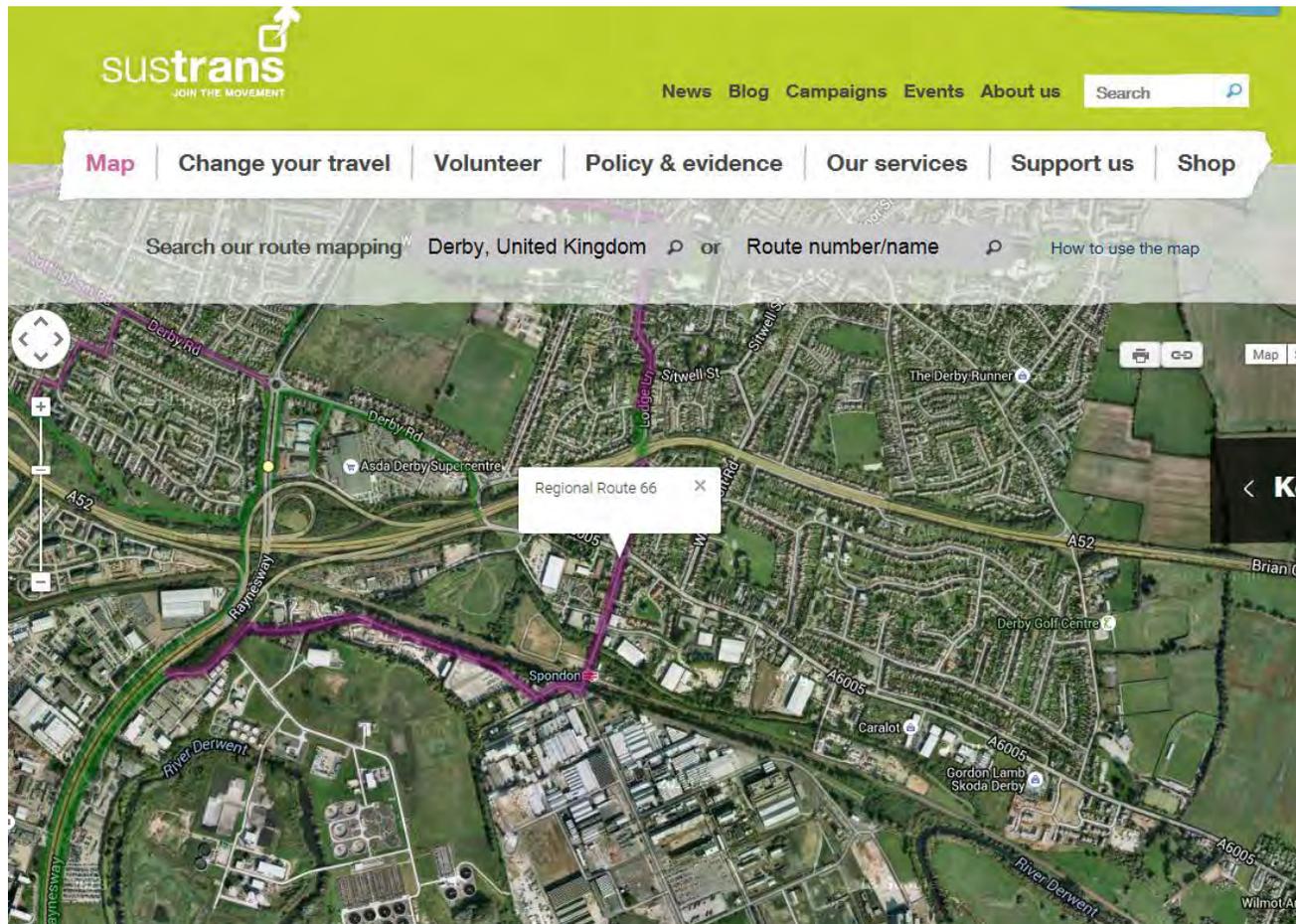
## Cycle Network

2.6 The existing cycle network is shown on **Figure 2.1**.



**Figure 2.1** – Derby Cycle Network

# Route 66



## ***Conclusion***

Replacement of the crossing is not an affordable option.

Can we make some improvements to the cycle route?

Without crossing closure, the risk of interaction between people and railway remains, the Line Speed Improvement is not completed and the economic benefit is not fully achieved.



## Diversity Impact Assessment

**Name of policy, programme or project:** NLCRRP - Megaloughton Lane

**Name:** Rod Farrow

**Your job title/position:** SPM

**Department:** IPEM

**Date:** 25/10/2015

**Diversity Impact Assessments (DIA)** are the method used by Network Rail to clearly demonstrate that we have paid due regard to our duties within the Equality Act 2010. The DIA is a tool that helps NR confirm that our policies and the way we design, build and operate will work for everyone.

Completed Diversity Impact assessments must be copied to the **Access and Inclusion Manager**

[DiversityandInclusion@networkrail.co.uk](mailto:DiversityandInclusion@networkrail.co.uk)

### Step 1: Clarifying Aims

Q1. What are the aims of this project/piece of work?

#### Reasons for Project:

##### The Level Crossing Closures Programme

The level crossing closures programme is part of Network Rail's commitment to improving safety and reducing the risk at level crossings. The aims of the programme are:

- ñ deliver a safer, more efficient and reliable railway, which is vital in supporting the UK economy;
- ñ reduce delays to trains, pedestrians and road users;
- ñ reduce potential hazards to both rail and road users where crossings are not used correctly;
- ñ reduce the ongoing costs of running the railway; and
- ñ improve local connectivity, which has tangible economic benefits.

Megaloughton Lane level crossing has been identified for closure as part of the programme.

##### The Level Crossing

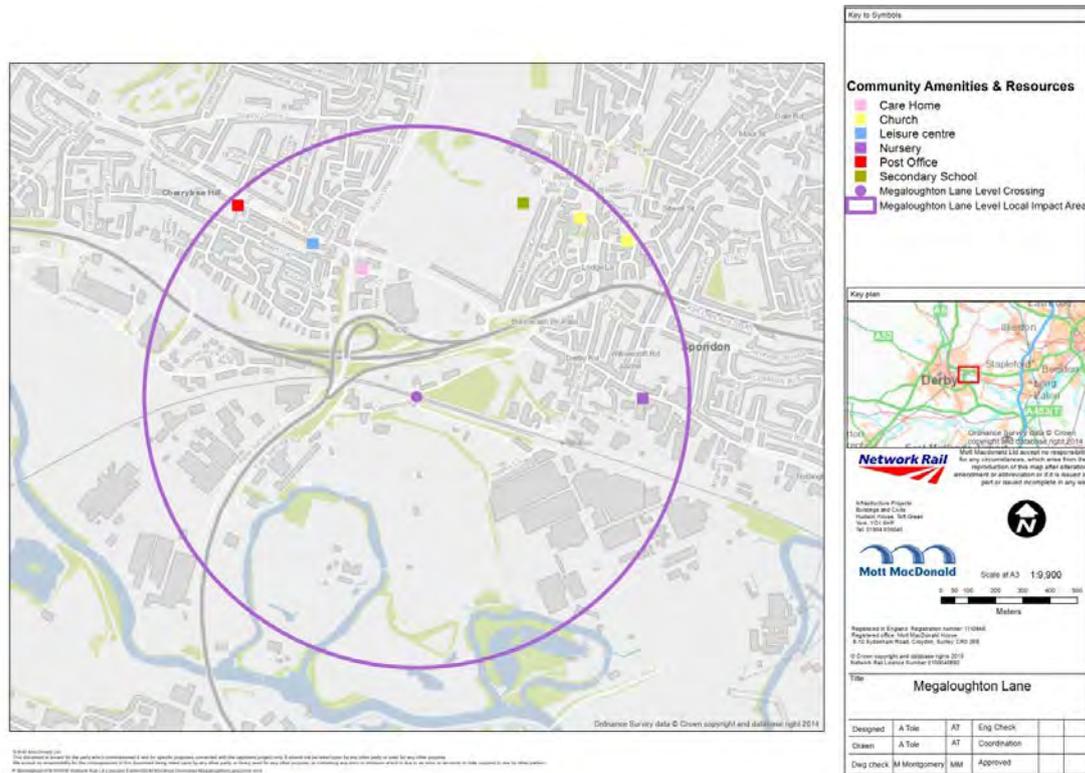
Megaloughton Lane level crossing (DE21 7ND) is a public footpath crossing located in a primarily industrial area of Spondon, Derby. The crossing is situated approximately 550m west of Spondon Station and provides non-motorised user access – including pedestrians and few cyclists - between industrial estates located on either side of the railway line. A wooded area is located immediately north-east of the crossing with the nearest residential properties located further beyond that (approximately 500m north-east of the level crossing).

The southern approach to Megaloughton Lane level crossing is via a gravel footpath off Celanese Road, a tarmac road with a pavement on one side. The approach from the north is via Megaloughton Lane, a tarmac road which becomes a narrow unsurfaced track before reaching the level crossing (which may currently be inaccessible to some users). All users wishing to use Megaloughton Lane level crossing have to manage a large step on both sides of the track to get

## Diversity Impact Assessment

onto the existing crossing boards. The crossing is therefore inaccessible to people with certain mobility impairments, such as people in wheelchairs / mobility scooters. The crossing is a triple track and it could be said that there is limited sighting of trains, and used by an average of six people and approximately 167 trains daily.

### Location and amenities map:



### Aerial view:



Megaloughton Lane level crossing is on the East Midlands part of the network and has an ALCRM rating of C4.

## Diversity Impact Assessment

### Project Aims:

The project aims to ensure a safe and sustainable solution to the closure of the crossing that meets Network Rail's safety objective and also satisfies Derby City Council's obligation to the council's outcomes and strategic objectives, seeking to significantly reduce the risk to local residents.

The project aims include: the closure of Megaloughton Lane level crossing and the provision of alternative access over the line utilising existing and used diversionary routes.

Q2. Could this work impact on people? If yes, explain how.

Yes. Without the closure of Megaloughton Lane level crossing, there is an increased chance of a future incident. The proposed solution will separate people from an uncontrolled part of the railway line, thereby greatly increasing the safety of the local residents.

The proposals for this crossing involve the permanent closure of Megaloughton Lane level crossing and alternative provision via an already existing and in use diversionary route

The proposed diversion routes will offer a slight increase in walking distances for some users – particularly for those who are unable to manage steps. The current level crossing is not fully accessible; therefore closure will not have significant disproportionate impacts in terms of accessibility. The proposed diversion route #1 will however impact accessibility as the Raynesway footbridge is quite steep and difficult to manage for some users; however the other proposed route #2 at Spondon doesn't as this is accessible and used by user groups in mobility scooters, wheelchairs and those with pushchairs and these user groups would have to utilise this currently to cross the railway.

Appendices 1, 2 and 3 show current route, proposed diversionary route #1 (Raynesway) and proposed diversionary route #2 (Spondon)

### Step 2: The Evidence Base

Q3. Summarise what data we have about the diversity of the people potentially impacted by this work and any research on the issues effecting their inclusion.

The project proposes the provision of an alternative access to the existing level crossing. This impact assessment is primarily concerned with ensuring fulfilment of Network Rail's duties under the Equality Act 2010.

When considering any level crossing site, the preferred solution is to remove the public interface with the railway which will eliminate risk of pedestrians being hit by a train. This would involve closing the crossing to users, and providing a suitable alternative route is available.

Network Rail's aim is to identify any potential negative impacts on those with protected characteristics and take steps to mitigate against these wherever possible. Network Rail will also

## Diversity Impact Assessment

make reasonable adjustments where required. To ensure this, Network Rail commissioned Mott MacDonald to undertake an equality impact assessment (EqIA) which involved stakeholder consultations with national and local interest groups.

### Users and potential users

In order to gain a better insight into the equality and other implications of the closure of the level crossing, existing statistical data was reviewed to establish the composition of the population living within a the Local Impact Area (LIA) (1km radius around Megaloughton Lane level crossing).

These are as follows:

- ñ **Children** (under 16 years of age) make up 20% of the LIA population. This is broadly in line with proportions in the Derby district and proportions nationally – which are 21% and 19% respectively.
- ñ **Younger people** (16-25 year olds) make up 13% of the LIA population, which is also broadly similar to Derby with 15% and equivalent to figures nationally, at 13%.
- ñ **Older people** (over 65 years of age) constitute 20% of the LIA population compared to 16% of the population of Derby and 17% of the population of England.
- ñ 21% of the LIA is living with a **long term illness or disability** that limits their daily activities; this is higher than the average for Derby and nationally (19% and 18% respectively).
- ñ 8% of the population in the LIA are from **Black, Asian or ethnic minority groups**. This is considerably lower than the figure for Derby (25%) and the figure for England (20%).
- ñ The LIA also has a low proportion of the population belonging to **minority faith groups** (at 2%), compared to proportions in Derby (13%) and England as a whole (9%).

An eleven day fixed camera survey undertaken in December 2012 recorded 70 people using Megaloughton Lane level crossing – an average of 6 people daily. The survey shows that adult pedestrians constitute 50% of users and cyclists constitute the other 50%. No children, parents with pushchairs or wheelchair / mobility chair users were documented using the level crossing during this period.

### Potential risks and issues

A number of issues related to the closure of the crossing and the proposed alternatives were identified. These issues are likely to impact certain socio-demographic groups more than others:

- ñ Safety issues related to level crossings disproportionately impact **children and younger people, older people, disabled people, and men**. Children and younger people can have difficulties correctly processing the speed of oncoming vehicles and disabled people and older people with mobility issues can have difficulties using the crossing due to the physical

## Diversity Impact Assessment

challenges they pose. Older people are also more at risk as their field of view declines over time. Men are disproportionately represented in accidents at level crossings; male pedestrians are involved in 70% of all train strikes.

- ñ Inaccessible infrastructure disproportionately impacts **older people, disabled people and people with pushchairs**. Older people and disabled people are more likely to have mobility impairments and therefore require accessible infrastructure. Footbridges can act as a barrier for those with sight and mobility impairments, potentially creating additional distance for mobility impaired, frail and older people to travel, and potentially requiring challenging gradients to manage (even when designed to standard specifications) for those in wheelchairs, or people pushing pushchairs.
- ñ Where pedestrian accessibility is affected, this can result in community severance where users require the crossing to access community facilities, resources or employment opportunities locally. Severance can impact on a range of users, depending on the facilities or services required.
- ñ Increased walking distances as a result of the diversion disproportionately impacts older people and disabled people. **Disabled people and older people** with mobility issues are more likely to have difficulties walking long distances and experience pain or discomfort doing so.

Consider evidence in relation to;

- ñ Disability (including evidence relating to access and inclusive design)
- ñ Age
- ñ Pregnancy/maternity
- ñ Race
- ñ Religion or belief
- ñ Gender
- ñ Sexual orientation
- ñ Marriage/Civil Partnership
- ñ Gender reassignment

### Step 3: Impact

Q4. Given the evidence listed at step 2, what potentially negative impact could this work have on people who share protected characteristics?

Protected Characteristic	Y/N	Explain the potential impact
<b><i>Preferred Option: extinguishment and diversions</i></b>		
Disability	Y	<b>Pedestrian access:</b> Reduced accessibility for a very small number of disabled users due to crossing closure at Megaloughton Lane. Access via steps along the Raynesway footbridge diversion #1 means this route is less accessible for those with mobility impairments. Using Station Road LC diversion #2 would not impart

## Diversity Impact Assessment

		<p>these issues on to these user groups however as they would currently have to use this to cross the railway</p> <p><b>Walking distances:</b> A small number of ambulant disabled (potential) users may find the lack of step free access via Raynesway footbridge further increases the distance they must walk to cross the line following the closure of Megaloughton Lane.</p> <p><b>User safety:</b> Disabled people will benefit from reduced interaction with railway leading to reduced crossing risk. However, safety benefits for this group are potentially lessened by the ongoing option to use the vehicular controlled level crossing at Station Road and the potential lack of step-free pedestrian accessibility at Raynesway footbridge diversion.</p>
Age	Y	<p><b>Children and older people</b></p> <p><b>User safety:</b> Children and older people will benefit from reduced interaction with railway leading to reduced crossing risk. This risk is removed entirely for all users of Raynesway footbridge. However, safety benefits for this group are potentially increased by the ongoing option to use the vehicular controlled level crossing at Station Road than the current LX at Megaloughton Lane</p> <p><b>Older people</b></p> <p><b>Pedestrian access:</b> Reduced accessibility for a small number of users due to crossing closure at Megaloughton Lane. Access via steps along the Raynesway footbridge diversion means this route is less accessible for those with mobility impairments.</p> <p><b>Walking distance:</b> There will be an increase in walking distances for all users due to closure of Megaloughton Lane crossing. A small number of older potential users may find the lack of step free access via Raynesway footbridges slightly increases the distance they must walk to cross the line, however using Station Road LC would lessen the diversion length</p>
Pregnancy /maternity	N	<p><b>Pedestrian access:</b> Reduced accessibility for a very small number of users with pushchairs due to crossing closure at Megaloughton Lane. Access via steps along the Raynesway footbridge diversion means this route is not accessible for those with pushchairs.</p>
Race	N	<p>No disproportionate impacts have been identified under this option on the basis of race.</p>
Religion or belief	N	<p>No disproportionate impacts have been identified under this option on the basis of religion or belief.</p>
Gender	Y	<p><b>User safety:</b> Men will benefit from reduced interaction with railway leading to reduced crossing risk. This risk is removed entirely for all users of Raynesway footbridge. However, safety benefits for this group are potentially increased by using the vehicular controlled level crossing at Station Road as opposed to the current LX at Megaloughton Lane</p>
Sexual orientation	N	<p>No disproportionate impacts have been identified under this option on the basis of sexual orientation.</p>
Marriage/Civil Partnership	N	<p>No disproportionate impacts have been identified under this option on the basis of marriage/civil partnership.</p>
Gender	N	<p>No disproportionate impacts have been identified under this option on the basis of gender reassignment.</p>

## Diversity Impact Assessment

reassignment		
Q5. What extra will you do to have a positive impact on diversity and inclusion?		
<p>In order to satisfy and comply with the obligations of the Equality Act, Network Rail commissioned an equality impact assessment (EqIA) to identify and provide evidence of any likely positive and negative impacts of the proposals on equality groups, and to determine what more Network Rail can do to have a positive impact on diversity and inclusion.</p>		

### Step 4: Consultation

Q6. How has consultation with those who share a protected characteristic informed your work?	
Who was consulted?	Changes made as a result of consultation
Derby City Council	<p><b>Comments:</b></p> <p>Representatives from <i>Derby City Council</i> made the following comments regarding the closure and proposed solution for Megaloughton Lane level crossing:</p> <ul style="list-style-type: none"> <li>ñ Despite continued responsible use of the level crossing, the diversion routes offer a safer crossing option because people would not be interacting directly with the uncontrolled railway line.</li> <li>ñ Impacts will be worse for cyclists rather than pedestrians as a result of the stepped footbridge at the Raynesway. The level crossing provides a good short cut for cyclists.</li> <li>ñ The propose diversions will be inconvenient solely in terms of increasing journey time.</li> <li>ñ Installing a footbridge at the level crossing site would be more convenient. However it is understood that many restrictions may be in place, limiting options in this regard.</li> </ul> <p><b>Changes/Recommendations:</b></p> <p>Consider a route improvement strategy along the Raynesway footbridge – with a particular focus on gradient of the steps, the location of the cycle trough and availability of hand rails for additional support.</p> <p>Very few recommendations were made regarding the protected characteristics.</p>
Cherry Hill Primary School	<p><b>Comments:</b></p> <p>Representatives from <i>Cherry Hill Primary School</i> made the following comments regarding the closure and proposed solution for Megaloughton Lane level crossing:</p> <ul style="list-style-type: none"> <li>ñ Pedestrian level crossings are felt to be very dangerous for all</li> </ul>

## Diversity Impact Assessment

	<p>users</p> <ul style="list-style-type: none"> <li>ñ Closure would enhance safety and prevent potential injury</li> <li>ñ The proposed diversions are a suitable solution as they are a good and safer alternative, and take level crossing users to more or less the same destination as the level crossing itself.</li> </ul> <p><b>Changes/Recommendations:</b></p> <p>No recommendations. The primary solution is supported by representatives of Cherry Hill Primary School and will mitigate all of the concerns raised.</p>
Derwent Trekkers	<p><b>Comments:</b></p> <p>Representatives from <i>Derwent Trekkers</i> made the following comments regarding the closure and proposed solution for Megaloughton Lane level crossing:</p> <ul style="list-style-type: none"> <li>ñ Closure of the level crossing is satisfactory as the approach to the level crossing is not particularly safe given the volume of cars.</li> <li>ñ Closure of crossing would make very little difference to majority of the population.</li> <li>ñ Greater concerns over the safety and accessibility of the Raynesway footbridge given the number and gradient of the steps and the lack of handrails along part of the footbridge</li> </ul> <p><b>Changes/Recommendations:</b></p> <p>Consider a route improvement strategy for the diversion via the Raynesway footbridge – referring to prescribed standards and guidance.</p>
Living Streets	<p><b>Comments:</b></p> <p>Representatives from <i>Living Streets</i> made the following comments regarding the closure programme and proposed solutions for level crossings:</p> <ul style="list-style-type: none"> <li>ñ User safety with particular reference to blind people. Guide dogs are trained on curbs and level crossings may cause confusion.</li> <li>ñ Severance and walking distance impacts are likely to arise if crossings are extinguished.</li> <li>ñ Ramped footbridges are preferable to extinguishment in most cases.</li> </ul> <p><b>Changes/Recommendations:</b></p> <p>No recommendations. The primary solution will mitigate safety concerns and the availability of the existing in use diversion routes will reduce any severance impacts.</p>
Sustrans	<p><b>Comments:</b></p> <p>Representatives from <i>Sustrans</i> made the following comments regarding the closure and proposed solutions for level crossings:</p> <ul style="list-style-type: none"> <li>ñ It is important to ensure accessibility for cyclists, wheelchair users and people with pushchairs and prams.</li> <li>ñ Closures will have a positive impact if replaced with fully accessible infrastructure. This will benefit people with mobility</li> </ul>

## Diversity Impact Assessment

	<p>issues.</p> <ul style="list-style-type: none"> <li>ñ Diversions are not considered to be as good as the more direct route given via the level crossing.</li> </ul>
<p>Ramblers</p>	<p><b>Comments:</b></p> <p>Representatives from <i>Ramblers</i> made the following comments regarding the closure and proposed solutions for level crossings:</p> <ul style="list-style-type: none"> <li>ñ The preservation of Public Right of Way is important. These rights cannot simply be removed without re-provision.</li> <li>ñ The closure of level crossings is positive in terms of safety, however it was felt that accidents are rare and long diversions (as a result of a closure) could increase likelihood of trespassing which would be even more dangerous.</li> <li>ñ Other possible negative impacts could include community severance, increased walking distances particularly for the elderly and stepped footbridges being inaccessible for less abled persons and people with pushchairs. A ramped footbridge is therefore the preferred option.</li> <li>ñ Any diversion needs to be accessible, with adequately lit and clear (well maintained) approaches. Diversions should also be clearly signed as ramblers may be using out of date ordnance survey maps. The establishment of rest points is considered positive; however it is felt that this would not help those with mobility issues to use the route</li> </ul> <p><b>Changes/Recommendations:</b></p> <p>Consider solutions to improve the route and way-finding – including more signage and lighting along the entire length of the diversion routes. The provision of two diversion routes alleviates some Public Rights of Way issues.</p>
<p>Disabled Motoring UK (DMUK)</p>	<p><b>Comments:</b></p> <p>Representatives from <i>DMUK</i> made the following comments regarding the closure and proposed solutions for level crossings:</p> <ul style="list-style-type: none"> <li>ñ Manual level crossings are not particularly safe for disabled people and can be impossible to use for some people.</li> <li>ñ Wheelchair users can find crossing railway lines difficult as wheels can get stuck in the grooves.</li> <li>ñ As long as the alternative provided is accessible for people with mobility problems, then it would have a positive effect.</li> </ul> <p><b>Changes/Recommendations:</b></p> <p>Ensure that good level crossing furniture is in place on Station Road to prevent wheelchair, pushchair and cycle wheels getting stuck in grooves. The provision of a fully accessible solution mitigates the concerns raised by DMUK.</p>
<p>Other stakeholders</p>	<p>Other stakeholders were contacted to provide input into the consultation, but declined to participate or did not respond to contacts made.</p> <p>National stakeholders included: Friends of the elderly; National Pensioner Convention; Centre for Policy on Ageing; Independent Age; Action for Children; NSPCC; Rainbow Trust; Children's</p>

## Diversity Impact Assessment

	<p>Commissioner; Children’s Rights Alliance for England; Scope; MS Society; Mind; RNIB; RNID; Rethink; Disability Rights UK; Leonard Cheshire Disability; Mencap; Enable Me Project; Disability Syndicate; Business Disability Forum; Disabled Motoring UK; Maternity Action; Mumsnet; NCT; Stonewall; LGBT Foundation; Asian Welfare Association; Confederation of Indian Organisation; Refugee Action; Ethnic Minority Foundation; Race Equality First; Runnymede Trust; Traveller Reform Project; Women Making a Difference; Women’s Budget Group; Network Rail; Network Rail Access and Inclusion Manager; Sustrans; Ramblers Association; Cycling Tourist Club; British Horse Society; Living Streets; Campaign for Better Transport; Campaign to protect rural England.</p> <p>Local stakeholders included: Asterdale Primary School, Meadow Farm Community Primary School, Cherry Tree Hill Primary School, Borrow Wood Primary School, West Park School, Saint Werburgh’s Primary School, Springfield Primary School, St Alban’s Catholic Primary School, The White House Kids Club, Ockbrook Senior School, Spondon Guides, Brownies and Rainbows, Spondon Scouts, Chester Court (Anchor), MHA Willowcroft Care Home, Aspen Court Nursing Home (Bupa), Alzheimer’s Society, Derby Deaf Children’s Society, Disability Direct, Sight Support Derbyshire, Multiple Sclerosis Society, Derbyshire Friend, Derbyshire Chinese Welfare Association, Derby West Indian Community Association, Hadhari Project, St Werburgh’s Parish Church, Siri Guru Singh Sabha Gurdwara, The Derby Hindu Geeta Bhawan Temple, St Hugh’s Roman Catholic Church, Spondon Sure Start Children’s Centre, Meadow Lane Children’s Centre, Oaktree Day Nursery, Asterdale Women’s Institute (The Derbyshire Federation), Derby City Council, Ockbrook and Borrowwash Parish Council, Spondon Community Association, Spondon Historical Society, Derby and South Derbyshire Ramblers, Derwent Trekkers.</p>
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### Step 5: Informed Decision-Making

Q7. In light of the assessment above, what is your decision? Please tick and provide a rationale	
Continue the work	
Justify and continue the work	V T here is very limited opposition to the closure of Megaloughton Lane level crossing, with greater concerns being raised in relation to the accessibility of one of the diversions, namely the Raynesway footbridge. Route improvements along this diversion will mitigate most of the opposition felt by various demographic and community groups.
Change the work	
Stop the work	

### Step 6: Action Planning

Q8. What actions will be taken to address any potential negative impacts and deliver positive
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## Diversity Impact Assessment

impacts?		
Action	By when	By who
Develop a route improvement strategy for the diversion routes (in partnership with the local authority). This could include: ensuring the provision and maintenance of drop kerbs; providing suitable rest points to address the additional walking distances; signage to support way finding; and measures to improve user safety and discuss further with user groups	Prior to construction commencing on site	Network Rail project team
Explore improvements to the Raynesway footbridge. This should include: incorporating more accessible design solutions including, for example, installing a handrail and ensuring the gradient of the footbridge is designed to the required standards.	Prior to construction commencing on site	Network Rail project team
Establish a communication strategy with local residents detailing the construction works including: scheduling of works, enhancements and improvements, and any other benefits of the scheme. The strategy should include communications regarding route finding to ensure those unable to access Raynesway footbridge are appropriately routed.	Prior to and throughout construction process	Network Rail project team / communications team

### Step 7: Sign off

Name	Position <sup>i</sup>	Signed	Date
Margaret Hickish/ Frances McAndrew	Access & Inclusion Manager / Diversity and Inclusion Manager		

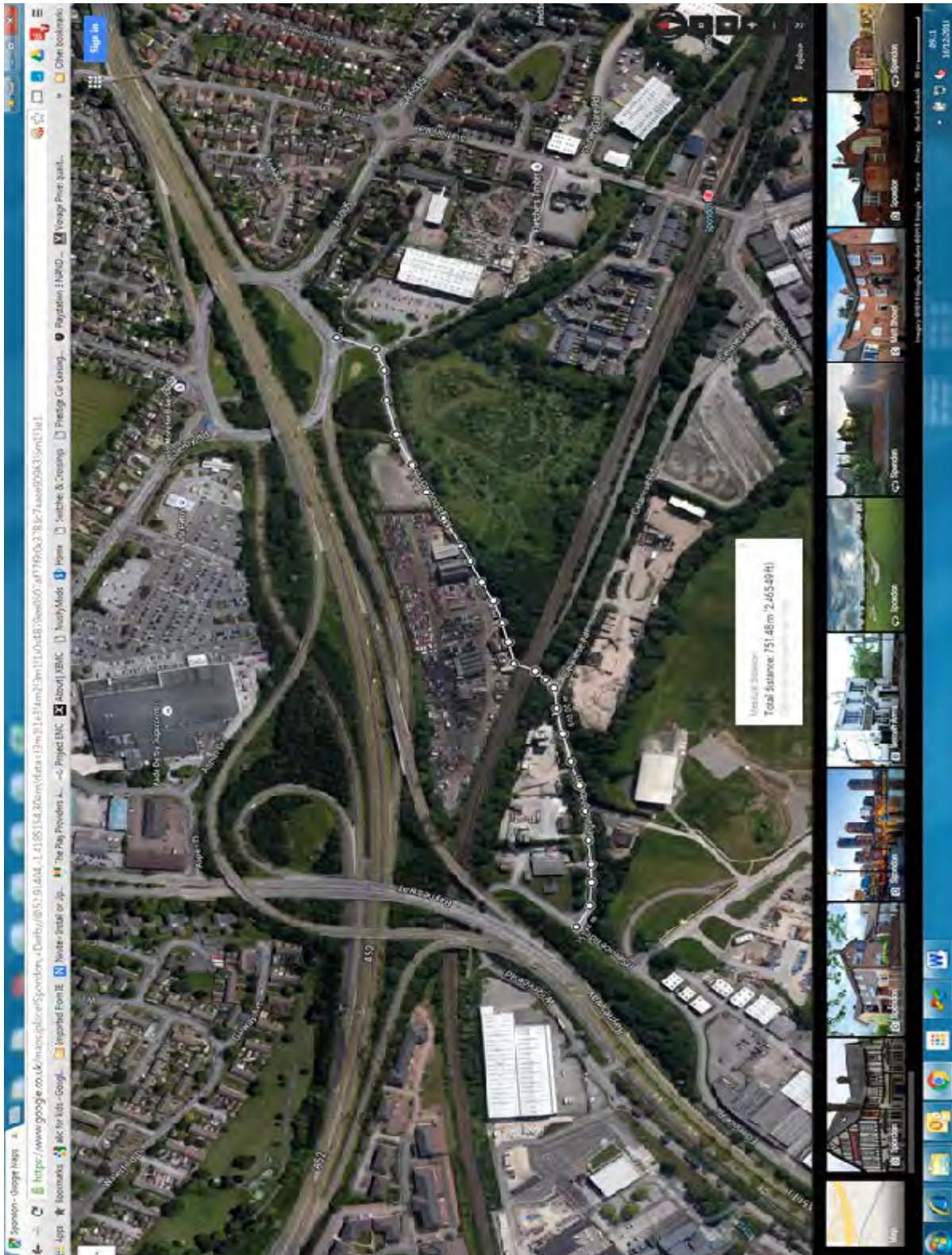
**Step 8:** Add an action to your plan setting out how you will monitor this DIA

**Revision Date:**

<sup>i</sup> A DIA should be signed by someone can approve policy, programme or budget changes when required.

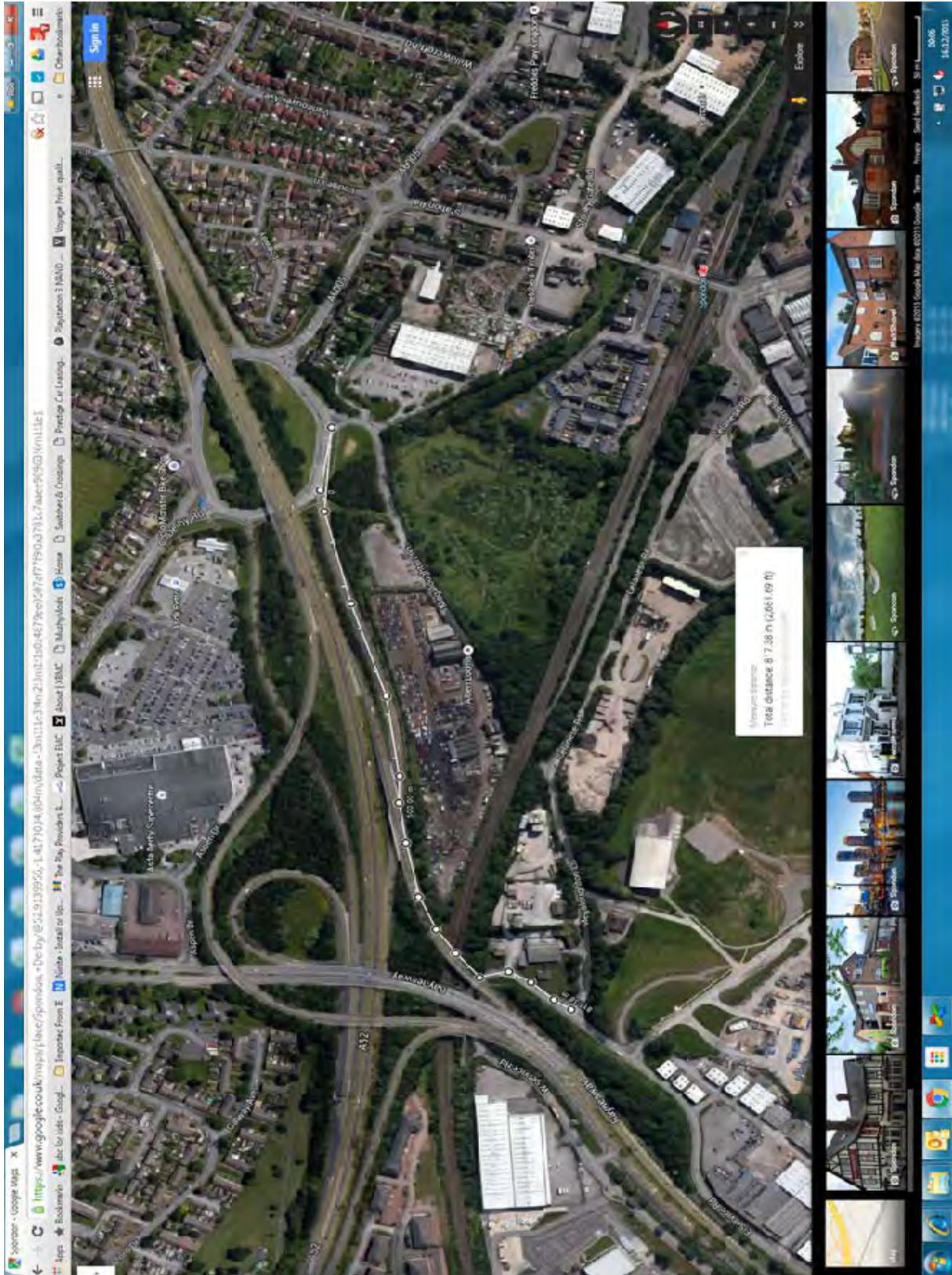
# Diversity Impact Assessment

## Appendix 1 - Current route, not fully accessible to all users



# Diversity Impact Assessment

## Appendix 2 – proposed diversionary route #1



# Diversity Impact Assessment

## Appendix 3 – proposed diversionary route #2, fully accessible to all user groups





Amanda Stone  
Sponsor  
East Midlands Control Centre  
Bateman Street  
Derby  
Derbyshire  
DE23 8JQ

11<sup>th</sup> October 2016

Dear [REDACTED]

I write with regards to Network Rail's proposed closure of the Megaloughton Lane Level Crossing.

Network Rail remains committed to closing level crossings to protect the safety of the public and its own employees. To do this we seek to find alternative ways for people to cross the railway safely. In the case of Megaloughton Lane Network Rail has identified two suitable alternative routes via Raynesway Bridge (stepped access with cycle channels fitted) and Spondon Level Crossing which is a flat highway railway crossing with footbridge accessibility.

In addition to the safety elements there are also economic benefits for the tax payer and journey time benefits for the travelling public that can be realised through the closure of the crossing. Whilst not the driving factor the closure of Megaloughton Lane Level Crossing will provide an eight minute improvement to journey times from St Pancras to Sheffield which creates additional wider economic benefits that the Department for Transport has identified.

As a recap on progress to date Network Rail submitted a s118 Order in 2014 to which you raised an objection and I write to ask you to withdraw your objection. We met and discussed your objection earlier this year and I provided additional information regarding the scheme including census information and a Diversity Impact Assessment. I took away an action to look into the availability of funding to undertake other improvement works in the area. A number of possible improvements have been considered since the order was submitted:

- Installing a ramped access to Raynesway Bridge. This option was eliminated due to lack of public funding due to the extent of significant work involved
- Installing a cycle channel on Spondon Station footbridge. This requires the permission of the Train Operator who manages the station and unfortunately it has not been possible to obtain this. The Train Operator and our Asset Manager expressed serious concerns that cycle channels create trip hazards for the majority of existing and new users which are pedestrians.
- Provision of funding to Derby City Council to undertake other improvements in the area. Unfortunately Network Rail in its new status is not permitted to do this under the terms of its operating license.

Network Rail will be undertaking works in future which deliver improvements to the alternative route at Spondon Station. Works are scheduled at the Level Crossing in September 2018 which will reduce the duration of the crossing barriers being down which road users will benefit from and the station footbridge is due for renewal during our next Control Period (2019 – 2024), providing the opportunity at that time to provide better accessibility.

I would be grateful if you could respond within 21 days to confirm whether you are willing to withdraw your objection. Derby City Council has advised that they will be contacting you shortly to inform you of next steps.

Yours sincerely,

**Classification: Non Derby City Council document**

Amanda Stone

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**Classification: Non Derby City Council document**

15th October 2016

Objector A

Hello,

Thank you for your email.

Looking at the 4 options, it seems like 3 have been ruled out, and the 4th is "maybe, in 8 years time!" Sorry, but my objection stands as no improvements have been made.

It is a shame that the train operator at Spondon would not consider a design like this: <https://www.cyclestreets.net/location/45083/cyclestreets45083-size1800.jpg>

Regards

11th October 2016

Objector C

Hi thank you for updating us on the situation. Having considered your proposals, I'm afraid that we can't Withdraw our objection as although we have tried the alternative routes we still feel that the crossing is still the most convenient and safest option. We both still use the crossing on a daily basis and will continue to do so.

So just to confirm our objection still stands.

Regards