

TRANSPORT AND WORKS ACT 1992

Transport and Works (Inquiries Procedures) Rules 2004

**THE NETWORK RAIL (LEEDS TO MICKLEFIELD
ENHANCEMENTS) ORDER**

**REBUTTAL PROOF OF EVIDENCE OF
PUBLIC RIGHTS OF WAY
OF
*Suzanne Bedford***

Document Reference	CD 8.03
Author	Suzanne Bedford
Date	20 February 2024

1. Introduction

- 1.1 This rebuttal evidence has been prepared in response to the Proofs of Evidence submitted by Leeds City Council from Robert Buckenham (**CD 7.34**) and John Booth (**CD 7.36**), and the Proof of Evidence submitted by John Harker on behalf of the Peak and Northern Footpaths Society (**CD 7.44**).
- 1.2 It is also prepared in response to objections received to the Listed Building Consent application in relation to Brady Farm railway bridge.
- 1.3 It is not intended that this rebuttal proof should address further points that I or other witnesses for Network Rail (NR) have previously covered in evidence; however, cross-references to relevant paragraphs have been made where appropriate.
- 1.4 This rebuttal proof takes each of the above referenced proofs of evidence in turn and will point to respective paragraphs where necessary for ease of reference.
- 1.5 In this rebuttal I do not respond to each and every point raised in the Objectors' proofs of evidence but cover those elements which I am able to address. Should any further matters arise that I consider need to be addressed in my evidence, I will do so orally at the inquiry.

2. Leeds City Council – Proof of Evidence – Robert Buckenham (CD 7.34)

- 2.1 At para 4.2.12 in Mr Buckenham's Proof there is a statement that the new section of path should be lit. Network Rail does not agree with this statement. There is no legal obligation upon Network Rail to illuminate the route and, given the rest of Pit Lane to the north is unlit as is the section of Pit Lane south of the railway beyond the residential properties, it seems unnecessary to install lighting on a small section of path when the remainder of the route would be in darkness. I'm aware of several diversions which Network Rail has progressed as part of level crossing closures where lighted has not been provided or required.
- 2.2 At 4.2.19 Mr Buckenham notes that the scheme may make the northern section of Micklefield Bridleway No. 8 redundant. I do not agree with this - the existing route will still provide a route for users who wish to use it to access the recreation ground or visit the cottages, as well users who wish to utilise it as a largely traffic free route – for these reasons it is unlikely that the route will become redundant.

- 2.3 At 4.4.8 – 4.4.10 Mr Buckenham references the RoWIP and states that a bridleway bridge will be in accordance with the Council's aims under the plan as it would remain open at all times and would be accessible – the proposed alternative route for users of Peckfield level crossing also fulfils the criteria and avoids the substantial cost as well as land purchase requirements and visual impact that a bridleway bridge would have.
- 2.4 At 4.7, Mr Buckenham talks to consideration of future use of the route. When closing or downgrading any level crossing which carries a public right of way (PRoW), through stakeholder discussions, Network Rail does consider the future use of the route, specifically in relation to where a site has planning permission. This consideration is firstly in respect of the potential increased risk future use will import on a level crossing and secondly in regard to whether there is a need to make improvements (within reason) to an existing alternative route,
- 2.5 As has been set out by Mr Cunningham, the introduction of new housing estates in the vicinity will only serve to increase footfall over a level crossing and change in the demographic of users – this increases the risk profile of the crossing. Network Rail's Town Planners have advised me that the Company was not consulted on two planning applications for developments immediately south of the railway, one of which was for the new build housing estate on Pit Lane. These developments will likely increase the risk at the crossing and had Network Rail been consulted, it is likely the Level Crossing Manager would have requested planning conditions – be that construction of a bridge either by way of a Grampian condition before construction starts or before the development reaches certain occupancy levels. Alternatively, it could be the case that the developer is required to provide a financial contribution towards the cost of making improvements to the level crossing to mitigate the increased risk.
- 2.6 Were it not for the current (draft) order and the TRU Project, noting the development that has taken place in Micklefield in recent years to the north of the railway, the new housing estate immediately south of the railway and the potential for further development in the vicinity in the not too distant future, it is likely that Network Rail would be pushing for closure of Peckfield Level Crossing, most likely as a planning condition and on safety grounds given the likelihood of potential future increased use and in turn, increased risk.
- 2.7 At para 4.7.2 reference is made to a site near Morley Station where Network Rail has constructed a stepped footbridge. The report at Mr Buckenham's Appendix BB09, notes that future development of the area at the Morley Station site would increase footfall at that crossing which would have an

impact on the safety of users of the crossing. Mr Buckenham states that this supported the position the level crossing at Morley needed to close on safety grounds. That is correct in part as future footfall was one of the driving factors for closing the level crossing.

- 2.8 However, the site in question was in a rural area and there was no nearby suitable alternative route available that existed or could be made. The nearest alternative means of crossing the railway would have necessitated an additional walking distance of over 1km which Network Rail deemed was not acceptable. Network Rail also agreed that as the route was well used it was not appropriate to simply extinguish the right over the crossing. The decision was made to provide a stepped footbridge as the only viable means of crossing the railway and preserving the PRow network.

3. Leeds City Council – John Booth (CD 7.36)

- 3.1 Mr. Booth confirms at 3.4 that the existing alternative route proposed by Network Rail is along existing highways and that *“As adopted highways these roads are available for public use.”* This is also referenced in para 3.7 of Mr Buckenham’s Proof. This means the route is already available to be used by equestrian riders and others, and LCC has never previously, to my knowledge, raised any concerns to any type of user using the existing highways now subject to Network Rail’s proposal.
- 3.2 Mr. Booth highlights the disadvantages of longer distances needed to be traversed at 4.2 in his proof of evidence. He concludes the proposed diversion route will take an additional 3 minutes and 22 seconds, which he considers is a significant increase, and make the route unattractive for some users. I do not agree with this; as is noted in my Proof, this figure should be balanced against the length of time a user of the level crossing would have to wait for a train to pass as well as the inconvenience (and limitations) of using the crossing and the additional risk a user faces when crossing the railway.
- 3.3 At 4.3.5 of Mr Booth’s proof, he states that the section of Pit Lane running parallel with the southern boundary of the railway has no facility for horse riders and as such, they are required to use the carriageway. There is an absence of grass verges along the existing route of Micklefield No.8 Bridleway. To the north it is a soft dirt track with no verge meaning horse riders would have to step into a cropped field to get out of the way of vehicles whereas to the south, beyond Enterprise Court industrial estate there is a narrow kerb for approximately 75 metres, after which all users are required to walk along a tarmaced road for approximately 375 metres where the grass verges are

overgrown and do not offer a facility for horse riders to use the verge, either out of choice or to avoid vehicles.



4. Reference to Public Rights over Brady Farm Bridge in objections to Listed Building Consent

- 4.1 In response to the notification for Listed Building Consent for Brady Farm Bridge, objectors have referred to use of the bridge as part of a leisure walking route. The bridge does not carry public footpath rights and has never held any public status – as such the public do not have a right to use it.
- 4.2 In any event, a route over the railway via this bridge is not required to access the surrounding public rights of way network and removal of the structure will not disturb or have a detrimental effect on the surrounding routes and connectivity. The PRow network is north of the bridge (Public Footpath Sturton Grange 4) and is accessible via a footbridge conveying a PRow (Footpath Garforth 45) over the railway at East Garforth station to the west. There is no PRow leading to the bridge on the south side of the railway and no other PRow's on the south side of the railway that lead to the bridge.
- 4.3 Further, since at least 2015 there has been a lockable gate between the northern parapets of the bridge prevented onward passage for any unauthorised use of the bridge. Normally when a barrier is placed across a way that is private but is utilised by the public, it can lead to the making of a Definitive

Map Modification Order (DMMO) by the Council to formalise the route as a PRoW. To my knowledge no such DMMO has been applied for at this location.

5. Witness Declaration

5.1 I hereby declare as follows:

- (i) This rebuttal evidence includes all facts which I regard as being relevant to the options that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- (ii) I believe the facts that I have stated in this rebuttal are true and that the opinions expressed are correct.
- (iii) I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.

Signed



Date: 20th February 2024

Suzanne Bedford
Liability Manager
Network Rail