RIGHTS OF WAY CABINET COMMITTEE - 25TH JULY 2024

SUBJECT: **APPLICATION FOR AN ORDER UNDER S118A OF THE HIGHWAYS ACT 1980 TO EXTINGUISH A PUBLIC FOOTPATH (VAN/FP4) IN THE INTERESTS OF THE SAFETY OF MEMBERS OF THE PUBLIC.**

REPORT BY: **CORPORATE DIRECTOR ECONOMY AND ENVIRONMENT**

1. PURPOSE OF REPORT

1.1 This report is to provide information to Members to allow a determination on whether an Order under s118a of the Highways Act 1980 (Stopping up of footpaths, bridleways and restricted byways crossing railways) is to be made.

2. SUMMARY

2.1 Transport for Wales (TfW) are improving the Cardiff to Rhymney railway by electrification of the line, as well as replacing trains with more modern versions, and altering the timetable to provide a more frequent service. As a result, the level crossing which carries VAN/FP4 has been highlighted as being a risk to public safety, and TfW have applied under section 118a of the Highways Act 1980 to close the footpath and subsequently remove the level crossing.

The following report details relevant factors to allow an informed determination by the Rights of Way Cabinet Committee – whether to make an Order to extinguish (stop-up) the footpath, or to refuse to make such an Order.

3. RECOMMENDATIONS

3.1 It is the role of this Committee, to act in a quasi-judicial capacity to determine whether the Authority will:

a) **Make an Order** under s118a of the Highways Act 1980 to extinguish the footpath recorded as VAN/FP4 at the level crossing (this will also include the removal of sections of footpath affected, which links the crossing to another highway) if Members consider that the risk to the public is significant enough to warrant closure of the crossing, and that the situation cannot be improved to lower the risk to an acceptable level, (a separate but simultaneous Order under s118 of the Highways Act 1980 will also be necessary to prevent unnecessary path remnants), or

b) **Refuse to make an Order** under s118a of the Highways Act 1980 to extinguish the footpath recorded as VAN/FP4 at the level crossing as Members consider the risk to the public is not significant enough to warrant closure of the crossing, or that the situation can be improved to lower the risk to an acceptable level.

It must be noted that the Risk Assessment referred to in this report (**Appendix 6**) concludes that no mitigating works can lower the risk to an acceptable level for the ORR (Office of Rail and Road).

4. REASONS FOR THE RECOMMENDATIONS

4.1 Evidence has been put forward setting out a case for closure of the level crossing and associated sections of public footpath **for reasons of public safety**.

4.2 Members must consider all the relevant information when determining the matter.

5. THE REPORT

5.1 The public right of way involved is recorded as VAN/FP4 (formerly footpath 4 in the former parish of Van) as shown on the Definitive Map (**Appendix 1**) and the accompanying Statement (**Appendices 2 and 3**), and in more detail on the location and detail plans (**Appendices 4 and 5**).

5.2 The route of this footpath has been diverted twice since the production of the Definitive Map and Statement – firstly in 1992 under s257 of the Town and Country Planning Act 1990 to allow development of land crossed by the footpath (**Appendix 7**), and later in 1994 under s119 of the Highways Act 1980 to divert the route onto the current alignment (**Appendix 8**). These matters do not bear upon the matter to be considered but are for background information only to clarify the reasons for the difference between the route recorded on the Definitive Map and that presently recorded.

5.3 VAN/FP4 was also the subject of a further application to extinguish the route in 2013 for reasons of health and safety of users of the crossing, and to eliminate the 'public noise pollution' caused by the sounding of train horns on approach to the level crossing. This application was considered by the Head of Regeneration and Planning under delegated powers in 2016, the result being a determination not to make an Order for either reason.

5.4 At present, under the South Wales Metro, TfW are planning the electrification and modernisation of the Cardiff to Rhymney railway line and service. This modernisation will increase the frequency of trains, and replace older, diesel trains with newer, electric variants.

5.5 RSK Business Solutions prepared a report on behalf of TfW, containing a risk assessment in relation to this crossing, and this is referred to in subsequent sections, but can be seen in its entirety at **Appendix 6.**

5.6 A Risk Control Workshop was held on the 10th February 2021 and was formed of members of Amey Infrastructure Wales, their consultant, TfW, AARC Professional Services Ltd and RSK Business Solutions. The outcome of this workshop, based purely on rail authority guidance as no involvement of the local authority was sought, was to close the level crossing with a diversion of the route to an alternative crossing point.

5.7 Three factors are set to change as part of the proposed electrification of the line:

5.7.1 Frequency – The timetable is stated to currently be 124 train movements a day increasing to 216 movements per day excluding movements of Empty Coaching Stock (ECS) and engineering trains (timetabled for twice a day during October to December) when the alterations are complete. Data supplied in the Road Census referred to in paragraph 5.17 clearly shows a maximum number of trains was 113 (combined) in one day.

5.7.2 Noise – as the trains are changing from diesel to electric, the noise produced is significantly less, and therefore it is suggested that hearing oncoming trains at a distance will be more difficult following the change from diesel to electric.

5.7.3 Speed – Line speeds vary slightly with the up line (heading into Caerphilly Station from Cardiff) being 60mph and the downline (being from Caerphilly Station towards Cardiff) being 65mph. Train speeds also vary, particularly on approach or leaving Caerphilly station. Freight trains are stated to be close to the line speed as they are not stopping at stations. The new trains have also been stated to have a higher rate of acceleration and deceleration and could reach line speeds at the level crossing where diesel trains may presently be at lower speeds.

5.8 Path use – A census undertaken on behalf of RSK Business Solutions between 29th September 2020 and 4th October 2020 revealed a total use of 9 adult users, 3 accompanied child users, 2 unaccompanied child users, 4 dog walkers, and 3 elderly users.

5.9 A further census was carried out by RSK Business Solutions between 13th January 2024 and 21st January 2024 which revealed a total use of 12 adult users, 3 accompanied child users, 6 unaccompanied child users, 12 dog walkers, and 1 elderly users.

5.10 Incident history – data provided by RSK Business Solutions states there are no entries relating to this level crossing from Network Rail's **SMIS (Safety Management Intelligence System)** from the previous 10 years. It is however noted that the overall use has increased. This is however expected as the original survey was carried out during the Covid pandemic. Use by young people/children is greater in the second survey and this holds concern for the rail operator as the survey carried out by remote CCTV shows instances of young people lingering on the tracks rather than crossing quickly and directly.
A separate recorded instance shows an adult, wearing headphones, walking a dog across the level crossing and then turning back retracing their steps for no apparent reason. Listening to music is a distraction, but also limits the person's ability to hear oncoming trains. The dog itself is also a distraction, and also causes a delay in leaving the track to the safety on the opposite side of the stile. Still images from the videos are shown in **Appendix 10**. Having reviewed the videos, the majority of the use evidenced was not genuine use from point to point. It appears that the level crossing is a feature of interest, and that certain behaviour around the railway is placing individuals at risk.

5.11 The Risk Assessment (**Appendix 6**) provides the following options:

5.12 To increase safety without closing the crossing:

- Retain current arrangement (minor improvements as necessary) – determined not to be feasible by the workshop. Reasons for this are recorded as:
- The sighting is not sufficient for users.
- Fog affects sighting at this location.
- Ambient noise from local businesses may affect the audibility of the whistle boards.
- Trains crossing over the level crossing may affect the audibility of whistle boards when a second train approaches.
- The Workshop highlighted that the signage is not at the decision point on the Down side and is actually on the ramp up to the level crossing.

- The Workshop agreed that the ramp presents a slip/trip hazard to users.
- The Workshop agreed that stiles increase the traverse time that has been recorded.
- The stiles are particularly high and present a trip hazard.
- The Up side stile should be moved further away from the track as the decision point is at the track side step.
- Closure removes the ability to access the track here.
- Agreed by the Workshop that the resultant risk would remain intolerably high.

5.13 Closure of the Level Crossing

- A crossing of the railway is required in this area.
- Closure has been pursued previously was rejected.
- This option was not considered feasible by the Workshop without a suitable diversion.

5.14 Closure of the level crossing with a diversion of the existing access to an alternative crossing point

- The Workshop agreed that the diversion was reasonable and given the low usage of the crossing, it should be explored.
- The Workshop highlighted that there is no pavement on the diversionary route and large vehicles also use the road to access the scrap yard.
- Therefore, the closure of the crossing may expose pedestrian users to other hazards.
- A particularly narrow part of the road is the stone bridge, the Workshop discussed the possibility for a footbridge to be built next to this.
- During the site visit multiple pedestrians were seen walking on the road and the Workshop agreed that pedestrian usage of the road should be investigated as this may support this option if it can be proven.
- Summary - The Workshop agreed that the diversion is reasonable and the low usage of the crossing supports closure. The Workshop agreed that closure of the level crossing should be pursued along with further investigation into the suitability of the diversion via Cefn Carnau Lane.

5.15 Closure of the level crossing with a new alternative access arrangement such as a footbridge

- This option removes all risk associated with the level crossing.
- The Workshop highlighted land purchase may be required, and construction constraints may increase cost.
- The Workshop highlighted that the very low levels of usage and the benefit to cost ratio does not support this option.
- The Workshop agreed that the installation of a footbridge at Wernddu footpath level Crossing is not viable. Although this option removes all risk, the Workshop agreed that the low usage does not justify the high costs of this option.

5.16 Upgrade of the crossing to MSLFP (Miniature Signal Light FootPath)

- The Workshop agreed that this option does resolve the current issues with sighting and whistle boards.
- The Workshop highlighted that this option does not greatly reduce the FWI (Fatalities Weighted Injuries) per year.
- It was agreed by the Workshop that this option was not recommended due to the small reduction in FWI per year and the low usage does not justify the high costs of this option.

5.17 A full census of the level crossing and the nearby road bridge, undertaken on behalf of RSK Business Solutions between 24th February 2024 and 3rd March 2024 revealed:
For the level crossing there was a total use of 27 adult users, 2 accompanied child users, 2

unaccompanied child users, 9 dog walkers, and 0 elderly users.

For the road bridge there was a total use of 604 vehicular movements, 4 motorcycles, 98 pedal cycles, 10 horse and riders.
As well as a total use of 216 adult users, 5 accompanied child users, 0 unaccompanied child users, 258 dog walkers, 4 elderly users, 6 mobility impaired users and a pedestrian pushing a pedal cycle.

5.18 Whereas the application (**Appendix 11**) is requesting an Order under section 118a of the Highways Act 1980 to 'stop up' or 'extinguish' the public rights, there is an inference of an alternative route via the road bridge. It is not possible to legally divert the public right of way in this manner, as the alternative suggested is already a maintained highway, and already carries rights for pedestrians and their usual accompaniments. It is not possible to divert one highway onto another, as this would effectively be an extinguishment of public rights and would improperly side-step the appropriate process. An Order under section 119a of the Highways Act 1980 was therefore deemed inappropriate at the early stages of discussions.

5.19 It is however to be noted that the road bridge is the only realistic alternative for the footpath users. The authority's Highways Operations Manager was consulted and commented:

"We would not look to support any application to utilise this route as an alternative to 'Van FP4', due to the safety issues presented here for pedestrians.
Not only would they be rerouted to walk along a 60mph rural link there are a number of blind-spots and conflict points along that section with no pedestrian refuge infrastructure to support their movements."

5.20 There is potential for simple measures to be implemented to improve the safety of this route, e.g. reduction of the speed limit of the affected section of the road at this location to 20mph which would require a Traffic Regulation Order via the authority's Traffic Management section.

5.21 Section 118a(2) of the Highways Act 1980 allows for the extinguishment of the crossing itself (s118a(2)(a) HA80) and for so much of its length as they [the Council] deem expedient from the crossing to its intersection with another highway over which there subsists a like right of way. This generally prevents cul-de-sac paths remaining up to the level crossing. The proposal is therefore to stop up section A-B-C-D-E under s118a HA80 (**Appendix 5**).

5.22 However, a remnant exists along the footway of Van Road, with a short section leading to a former road (A-F on Appendix 5), as well as a 'spur' path which is recorded through the former brickworks (D-H_G on Appendix 5). Should the determination be to make an order under s118aHA80, a concurrent extinguishment order will be necessary to deal with the remnants and prevent the spur path becoming a cul-de-sac. The proposal is therefore to stop up sections A-F and D-H-G under s118 HA80 (**Appendix 5**).

5.23 A pre-order consultation was carried out, with information supplied to allow consultees to provide representation in relation to the effects the proposal would have upon their membership / represented users etc.
The Open Spaces Society provided the only response to this consultation, however, it is to be anticipated that others will be forthcoming if the proposal is determined in favour of making the Order.

5.24 Representation was made as follows:
"The Open Spaces Society opposes the extinguishment of VAN/FP4 (formerly Footpath No. 4 in the Community of Van).
Several years ago there was a pre-consultation about a diversion of this footpath and it

transpired that it is a very popular, well-used footpath. Furthermore, the narrow road which passes over the railway line would be very dangerous for use by walkers & thus it could not be considered as commodious as VAN/FP4. Therefore, if VAN/FP4 were to be extinguished, people who currently use it would be denied access to a popular part of NRW land.
I understand that Ramblers has had some success in Wales opposing similar plans & I will ask for advice from some of their successful volunteers to find out what other options Transport for Wales should consider rather than expect public rights of way to be extinguished.
Obviously, a great deal of money has been spent to persuade residents of the south-east Wales valleys to use the trains to commute and the venture has been a huge success. However, more thought should have been given to public access on foot and the cost of installing footbridges, when high speed trains are introduced along a line. As people with certain disabilities cannot use VAN/FP4 at present, because it involves climbing a stile, I am sure Transport for Wales can argue successfully that a footbridge would only need to have steps. The money invested in expanding the rail provision, should have included looking into providing footbridges. Transport for Wales will take the easy option when they can get away with it. Several years ago there were plans to remove footbridges on the Cardiff to Ebbw Vale line because of safety issues. When there were objections to such plans, money was found to replace the bridges at Crosskeys [1] and Ty'n y Cwm in Pontymister. Huge sums have been spent at Newbridge and Llanhilleth to bring duality to the network. I am sure that TfW can find the money to provide a footbridge so that this very popular footpath can continue to allow local resident to get to NRW land safely.
Regards

[1] The alternative route in Crosskeys is far safer than the route along the road in Van."

5.25 The information contained within the response refers to the matter as if it were being dealt with under separate legislation – the test for s118a of the Highways Act 1980 is in relation to the safety of members of the public using it [the crossing] or likely to use it. There is no direct requirement for consideration of an alternative route.

5.26 The risks between the level crossing and the road as a potential alternative route are difficult to directly compare. On one hand the existing level crossing has no reports of incidents, however a basic risk assessment could score it as a low chance of significant, or fatal consequences, whereas the road could score as a higher chance of incident, but with more minor / moderate injuries as a consequence. It is for the Rights of Way Committee members to consider the differences.

5.27 The Rights of Way Committee might wish to familiarize themselves with a recent similar case which resulted in a determination by PEDW (Planning and Environmental Decisions Wales) at Portobello Crossing in Taffs Well. This is included as **Appendix 12**.

5.28 It is noted that the South Wales Metro could have considered level crossings as part of the initial planning phase, and therefore potentially budgeted accordingly, but this is not for discussion by this Committee.

5.29 If a footbridge were to be constructed in replacement for the level crossing, every effort must be made to ensure it would meet modern Equalities standards, and access could be available for all lawful users regardless of any mobility issues. Should a footbridge be the final solution to the issues faced, such a construction would be subject to normal consent procedures, and we would encourage the designers to consider all lawful users.

5.30 Conclusion

5.31 Whereas it is obvious that the level crossing poses a significant risk to users in its present form, and this is the only matter to be considered due to the test for s118a of the Highways Act 1980 being for public safety, it has however been demonstrated that no incident or near miss has been reported to either the rail operator or the local authority.

5.32 However, with the implementation of faster trains (accelerating and decelerating), more frequent and quieter trains, under the guidelines of the ORR the risk is demonstrated to increase to a level which is unacceptable to TfW.

5.33 The CCTV footage from the census clearly demonstrates the public use is not entirely the intended use of the footpath for walking from one point to another, but that the footpath allows access to the rail infrastructure, and this access is misused by some, or unsafe practices carried out by others. The 9 day census is only a snapshot of current use, and if similar practices continue throughout the year, the number of unsafe practices can be assumed to be considerably higher than demonstrated by the evidence to hand.

5.34 It is also reasonable to note that the level crossing could be made safer by carrying out a number of simple steps – for example:

- replacing the stiles with gates and relocating them at a greater distance from the tracks,
- replacing the crossing surface with a more accessible type, and
- installing Miniature Signal Lights (similar to pedestrian road crossings).

5.35 There is potential of construction of a purpose-built footbridge. TfW have stated that no budget exists for such – but this does not remove the possibility. A footbridge if designed correctly, would eliminate all risks associated with the level crossing and the road bridge. Matters of land ownership, permissions, and planning would need to be addressed, and results of those enquiries may result in further information being provided to this Committee at a later date for re-consideration.

5.36 Members are advised that the level of use of the level crossing, or how useful it might be, is not the primary factor for determining the matter, although the level of use will impact the chance of an incident. What is to be considered is the risk associated with the continued use of the crossing.

5.37 As the application is for an Extinguishment Order, there is no alternative route to formally consider. However, as the report details, use of an existing, nearby road (which carries pedestrian and equestrian rights) is a possibility.

5.38 The Committee are advised that should an Order under s118a of the Highways Act 1980 be approved, a concurrent Order under s118 of the Highways Act 1980 will also be necessary.

6. ASSUMPTIONS

6.1 There are no assumptions made.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 This is a legislative process which the authority is required to assess prior to making an Order under this legislation. The legal tests are specific, and these must be met before an Order under this legislation can be made and confirmed.

It must appear to a council expedient in the interests of the safety of members of the public

to stop up a footpath, bridleway or restricted byway in their area which crosses a railway, otherwise than by tunnel or bridge.

Link to full Integrated Impact Assessment

8. FINANCIAL IMPLICATIONS

8.1 Financial implications will differ depending on the decision of the Members of the Committee.

- If the decision is to **make** an Order to stop up the footpath, costs associated with making the Order and advertising etc., are recoverable from the applicant, but are initially expected to be in the region of £1,500.00. If the Order is subsequently opposed, the matter must be referred to PEDW (Planning and Environmental Decisions, Wales) for a determination. This may require legal representation and employment of external, specialist legal practitioners. This could result in significant legal costs – the amount cannot be estimated. If the Order is unopposed, it may be confirmed by the authority and this is expected to be in the region of a further £1,500.00 which is recoverable from the applicant.
- If the decision is **not to make** an Order, it is likely the matter will be appealed, and the matter referred to PEDW for a determination. This may require legal representation and employment of external, specialist legal practitioners. This could result in significant legal costs – the amount cannot be estimated. Should PEDW determine to make the Order, the costs expected are the same as above, totalling approximately £3,000.00 for a complete process.

8.2 There are no other financial implications foreseen as any works required to either improve the crossing, or to remove it, would be covered by TfW.

9. PERSONNEL IMPLICATIONS

9.1 There are implications on personnel in terms of:

- Preparing materials for Committee,
- If an Order is made, to draft and seal the Order, and publish notices in the local press.
- If an Order is made and opposed, or if an Order is not made, to prepare a case for PEDW to determine the matter by way of Written Representations, a Hearing, or a Local Public inquiry.
- Preparation and posting of notices on site.
- Preparation of a Legal Event Modification Order if the process is successfully completed.

10. CONSULTATIONS

10.1 A pre-order consultation has been circulated to statutory consultees and representation was received from the Open Spaces Society representative. The response is referred to in paragraph **5.23** of the report.

11. STATUTORY POWER

11.1 Section 118a of the Highways Act 1980 - powers are the responsibility of the Rights of Way Cabinet Committee.

Author: Stefan Denbury, Countryside Access and Rights of Way Officer

Consultees: Dave Street Deputy Chief Executive
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Richard Edmunds Corporate Director for Education and Corporate Services
Gareth Jenkins Interim Director for Social Services
Rob Hartshorn, Head of Public Protection, Community and Leisure Services, hartsr@caerphilly.gov.uk
Rob Tranter, Head of Legal Services and Monitoring Officer, trantrj@caerphilly.gov.uk
Councillor Chris Morgan, Cabinet Member for Waste, Leisure and Green Spaces and Rights of Way Cabinet Committee Chair, morgac15@caerphilly.gov.uk
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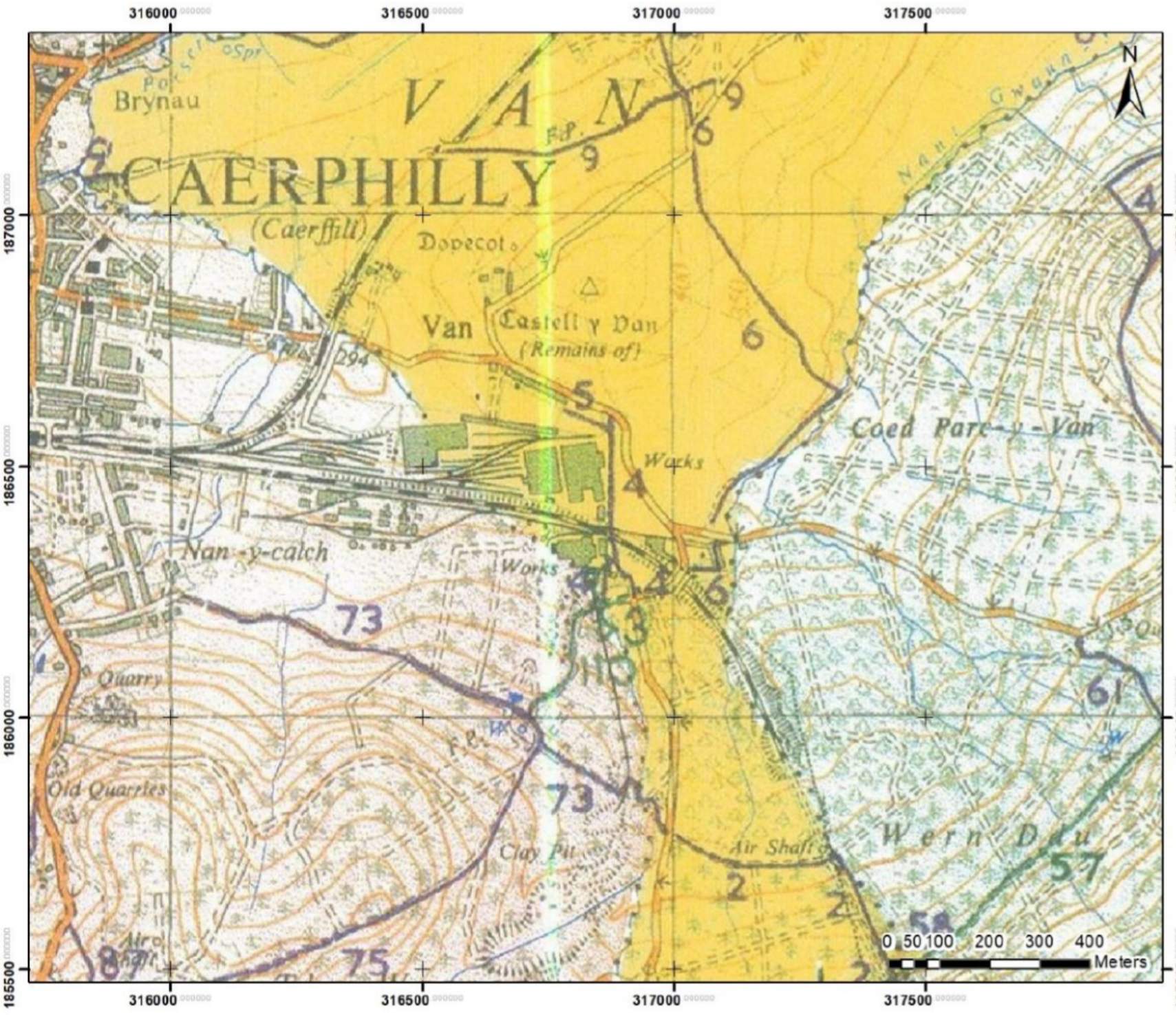
Councillor James Fussell, Local Councillor, jamesfussell@caerphilly.gov.uk
Councillor Stephen Kent, Local Councillor, stephenkent@caerphilly.gov.uk

Prescribed Organisations:

British Horse Society
Byways and Bridleways Trust
Open Spaces Society
The Ramblers

Background Papers:
None

Appendices:
Appendix 1 Definitive Map extract
Appendix 2 Survey statement FP4 in the Parish of Van
Appendix 3 Statement recorded following the Special Review (Mid Glamorgan)
Appendix 4 Location plan 1:25,000 scale
Appendix 5 Detail plan 1:2,500 scale
Appendix 6 Risk Assessment – RSK Business Solutions
Appendix 7 Confirmation of Diversion of VAN/FP4 1992
Appendix 8 Confirmation of Diversion of VAN/FP4 1994
Appendix 9 Census tables
Appendix 10 Still images of use of the Level Crossing
Appendix 11 Application documents
Appendix 12 PEDW decision – Portobello LC – Rhondda Cynon Taff



CAERPHILLY COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CAERFFILI

Hawliau Tramwy Cyhoeddus /
Public Rights of Way

Definitive Map extract

Sheet: ST 18

Grid Ref:
ST 1686 8637

1:10,000 at A4

Mae'r wybodaeth hon ar gyfer arweiniad yn unig ac nid yw'n ffurfio rhan o'r Map Diffiniol. Gallwch chi gael rhagor o gyngor ac arweiniad drwy gysylltu â ni.
This information is for guidance only and does not form part of the Definitive Map. Further advice and guidance can be obtained by contacting us.

Appendix 1

Appendix 2

No. 4

GLAMORGAN COUNTY COUNCIL

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT, 1949

RIGHTS OF WAY SURVEY

PARISH OF : Van F.P.

No. of Path : 4 Type : ash Length : 425 yards Width : 6 ft-

DESCRIPTION

Leading from Werndda House, through Brickworks Yard to main Railway Line, over stile, crosses Railway to stile on opposite side, and thence along East side of the boundary wall of the British Railways Locomotive Works on to Van Road (Outlet East end of Van Terrace) Also diversion of this pathway travelling in opposite direction from the Railway Crossing into the Brick-Works Yard, then in rear of Brick Works Time Office passing along the front of the Fitting and Blacksmiths Shops, under Gantry and then joining pathway No. 3 to Warren etc

Inspect Stiles not indicated on Plan

10,000 SO 9282A 5-7-50 EDS 3809

P.T.O.

Present Construction : Ashes (Boiler)

General Condition Good

Evidence of Right of Way General usage

NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949

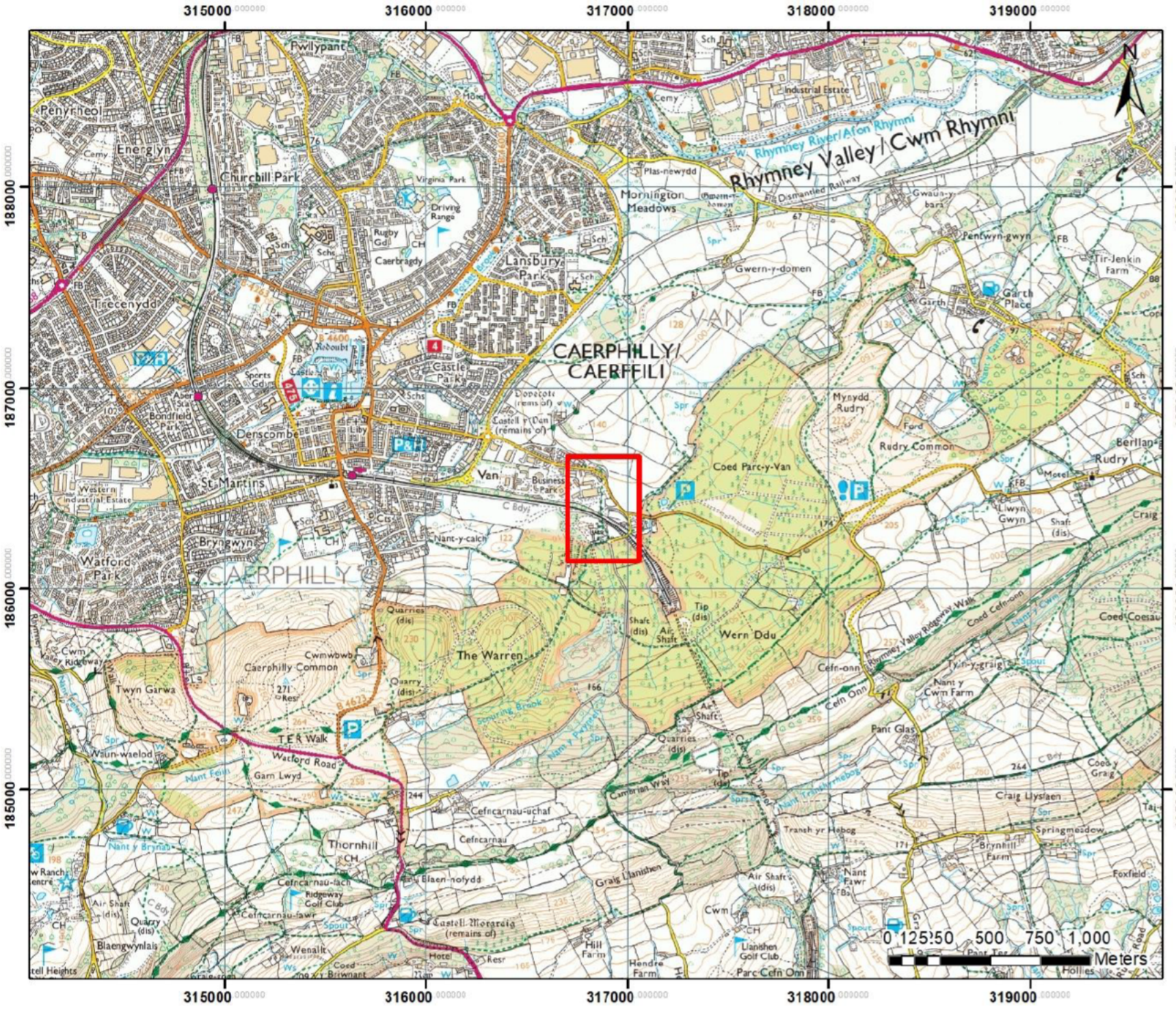
COUNTRYSIDE ACT 1968

SURVEY OF RIGHTS OF WAY

SPECIAL REVIEW MAP STATEMENT-RELEVANT DATE: 1ST JANUARY 1971

Appendix 3

PARISH/PATH No:	TYPE	LENGTH (yards)	WIDTH (feet)
VAN 1 Commences at the entrance to Cefn On mountain road and proceeds north-east past old lime kiln to the Parish boundary.	BRIDLEWAY	450	3-5
VAN 2 Commences on Parish boundary and proceeds eastwards past an old air shaft. Continues southwards to the Parish boundary.	FOOTPATH	800	UNDEFINED
VAN 3 Commences on the County road (Mountain road) near Wernddu House and proceeds westwards to the Parish boundary.	BRIDLEWAY	100	10
VAN 4 Commences on the County road near Van Terrace, proceeds southwards past British Railways locomotive works, crosses railway line via stiles and continues through the brickworks to the County Road. (Branch path form railway crossing through the bridckworks yard to junction with bridleway 3 included).	FOOTPATH	600	6
VAN 5 Commences on footpath 4 near Van Terrace and westwards to the back lane of Van Terrace.	FOOTPATH	100	UNDEFINED
VAN 6 Commences on the County road near Wernddu Railway Bridge and proceeds along the rear of Wernddu Row, to the Rudry road. Continues on the opposite side of the road north-east along the Parish boundary via stiles to Parc-y-Van. Continues northwards across fields to the County road. Proceeds on the opposite side of the road over footpath 9 through Coed-y- Maerdy to junction with footpath 7.	FOOTPATH	1450	UNDEFINED
VAN 7 Commences on the County road at Gwern-y-domen, proceeds westwards through field via stiles, crossing old tramway and British Railways to the footbridge on the Parish boundary. (Branch path to footpath 11 included).	FOOTPATH	1600	3-7
VAN 8 Commences on footpath 7 east of Mardy Cottages and proceeds eastwards to the County road. Continues on opposite side of the road through fields via wicket gates to the Parish boundary.	FOOTPATH	800	UNDEFINED
VAN 9 a) Commences on the County road and proceeds westwards across footpath 6; along the edge of	FOOTPATH	1005	3-7



CAERPHILLY
CYNGOR BWRDEISTREF SIROL
CAERFFILI

Hawliau Tramwy Cyhoeddus /
Public Rights of Way

23-PPO-003

Pre-Order Consultation

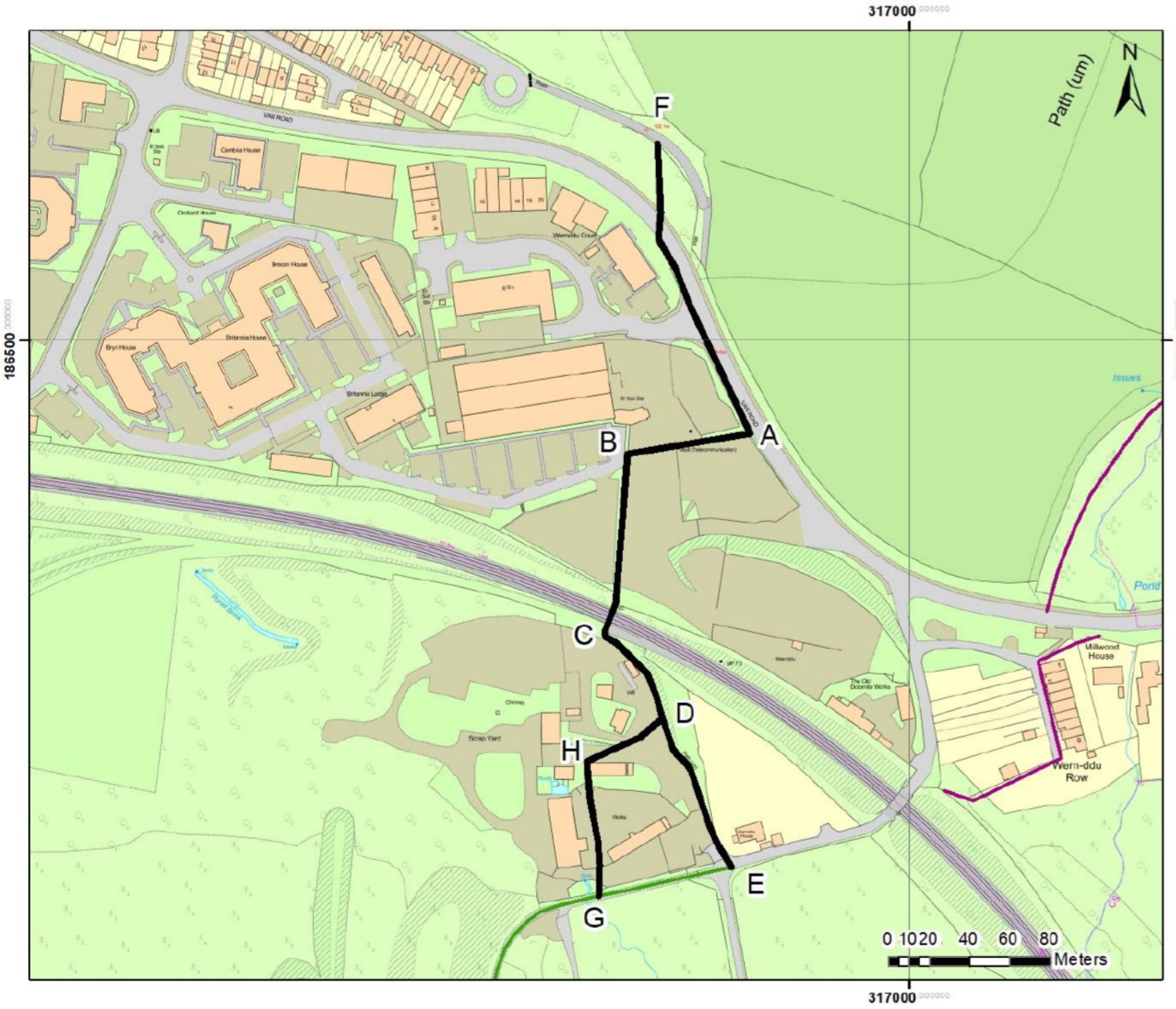
Location detail

VAN/FP4

1:25,000 at A4

Mae'r wybodaeth hon ar gyfer arweiniad yn unig ac nid yw'n ffurfio rhan o'r Map Diffiniol. Gallwch chi gael rhagor o gyngor ac arweiniad drwy gysylltu â ni.
This information is for guidance only and does not form part of the Definitive Map. Further advice and guidance can be obtained by contacting us.

Appendix 4



CAERPHILLY COUNTY BOROUGH COUNCIL
CYNGOR BWRDEISTREF SIROL CAERFFILI

Hawliau Tramwy Cyhoeddus /
Public Rights of Way

23-PPO-003

Pre-Order Consultation

Scheme detail

VAN/FP4

Llwybr arfaethedig i gael ei diddymwyd / Exisiting path to be closed

Heb effeithio arno Llwybr/Llwybrau / Unaffected footpath/s

Footpath

Bridleway

1:2,500 at A4

Mae'r wybodaeth hon ar gyfer arweiniad yn unig ac nid yw'n ffurfio rhan o'r Map Diffiniol. Gallwch chi gael rhagor o gyngor ac arweiniad drwy gysylltu â ni.
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Appendix 5

Appendix 6

Amey Infrastructure Wales

Wernddu Footpath Level Crossing Level Crossing Suitable and Sufficient Risk Assessment Report

Prepared by James Neeson

5th March 2021

BS026/075/D420.6

Revision A

RSK Business Solutions Ltd

Anerley
Court Half
Moon
Lane
Hildenbor
ough
Kent
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Amey Infrastructure Wales

Wernddu Footpath Level Crossing

Level Crossing Suitable and Sufficient Risk Assessment Report

BS026/075/D420.6

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EXECUTIVE SUMMARY

This report summarises the level crossing risk assessment process for Wernddu Footpath Level Crossing, located on a footpath connecting Van Road and Cefn Carnau Lane in Caerphilly, Wales.

Wernddu Footpath Level Crossing (Wernddu FP) is on the Rhymney To Queen Street North Junction Line (ELR: CAR) at 7 miles and 47 chains. The line currently has 2 tracks, with the Up Main direction going towards Caerphilly Station and the Down Main direction going towards Caerphilly Tunnel. The speed in the Down direction is 65mph and 60mph in the Up direction.

RSK Business Solution's risk assessment process to produce the suitable and sufficient level crossing risk assessment report for Wernddu Footpath Level Crossing is outlined as follows:

1. Site visit and hazard identification.
2. Initial evaluation of a nine-day usage census.
3. Analysis of information pertinent to the level crossing, including SMIS event Data.
4. Specification and review of assessments of crossing type options using ALCRM, based on best available information, both current and in the future.
5. Options and Risk Control Workshop.
6. Conclusions and recommendations.

A Level Crossing Options and Risk Control Workshop was held for Wernddu Footpath Level Crossing on 10th February 2021 and facilitated by RSK Business Solutions. The Workshop was held via teleconference call.

Due to the proposed project works in this area, the following factors were considered when reviewing the options for Wernddu Footpath Level Crossing:

- The frequency of trains will increase from 124 trains per day (both directions) to 216 trains per day in both directions.
- The electrification of the line will facilitate the introduction of new FLIRT stock which have a reduced engine noise in comparison to the current diesel stock in operation.
- The Overhead Line Equipment will be installed which may have an impact on the sighting distance for passive level crossings along the route including Wernddu.
- There are Empty Coach Stock (ECS) movements within the Whistle Board Exclusion time period of 00:00 to 06:00.

Wernddu Footpath Level Crossing summary of non-project specific hazards identified during the site visit for the current arrangement – to be reported back to Amey Infrastructure Wales Limited Route Level Crossing team

The Options and Risk Control Workshop discussed hazards identified by the site visit.

- The risk assessment site visit identified the following hazards to be considered at the footpath level crossing with its current arrangements in place. It was noted that these may be mitigated by the chosen option;
    - Stiles on both sides are high to climb over and present a trip hazard. The Workshop agreed that the stiles potentially add to the traverse time.
    - The stile on the Up side is at the decision point and should be set back from the railway.
    - The ramp up to the deck on the Down side presents a slip/trip hazard to users and is part of the crossing traverse (between the decision points).
    - Signage is not displayed in Welsh.
    - The crossing deck is a combination of wooden sleepers and suspended wooden panels. It is not level and presents a slip/trip hazard to users.

Wernddu Footpath Level Crossing Summary of Project Specific Recommendations

- The Options and Risk Control Workshop completed a detailed review of the recommended options for Wernddu Footpath Level Crossing and agreed the option which would reduce the level crossing risk SFAIRP is:
    - Closure of the crossing with diversion via Cefn Carnau Lane.
        - The Workshop recommended a census of the stone bridge on Cefn Carnau Lane to support the application of closure.
        - The betterment of the diversion is subject to further review of costings and viability.

NOTICE

This report was prepared by RSK Business Solutions Ltd for Amey Infrastructure Wales. The conclusions are the result of the exercise of our best professional judgement, based in part upon materials and information provided to us by Amey Infrastructure Wales. Use of this report by any third party for whatever purposes should not, and does not absolve such third party from using due diligence in verifying the report's contents.

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It should be noted that this report captures the recommendations based upon the design, and anticipated mode of operation, identified at the time of the risk assessment and the stage of the project development. It is not intended that this report be updated as the design is progressed, but moreover that the design is progressed as a result of this report. Any subsequent changes to or development of the design should be assessed as necessary and reported as required with reference back to this report.

1.1 Background

RSK Business Solutions Ltd was commissioned by Amey Infrastructure Wales to produce a suitable and sufficient risk assessment report for the Wernddu Footpath level crossing. Documents NR/L2/SIG/30009/E810 and NR/L1/XNG/100 state that a Suitable and Sufficient level crossing risk assessment shall be undertaken wherever a level crossing requires renewal or changes. Notwithstanding the requirements within the Network Rail Standards, a Suitable and Sufficient Risk Assessment is required in accordance with the Office and Rail and Roads (ORR) guidance document 'Common Safety Method for Risk Evaluation and Assessment – Guidance on the application of Commission Regulation (EU) 402/2013' September 2018 and under Health and Safety at Work Act 1974.

Specifically, the CAR route will be resignalled and electrified with an increase in the frequency of trains and introduction of a new stock type. Appropriate forms of risk mitigation measures must be considered in order to maintain ALARP status at the level crossing after the changes are implemented.

The Safety Management Intelligence System (SMIS) data shows 0 incidents referring to the Wernddu Footpath Level Crossing. However, theft of railway equipment and trespass has been recorded nearby. This report refers to SMIS data from the previous 10 years. The nine-day census did not record any incidents of misuse.

1.2 Suitable and Sufficient Level Crossing Risk Assessment

RSK Business Solution's risk assessment process to produce the suitable and sufficient level crossing risk assessment report for Wernddu Footpath Level Crossing is outlined as follows:

1. Site visit and hazard identification.
2. Initial evaluation of a nine-day usage census.
3. Analysis of information pertinent to the level crossing, including SMIS event Data.
4. Specification and review of assessments of crossing type options using ALCRM, based on best available information, both current and in the future.
5. Options and Risk Control Workshop.
6. Conclusions and recommendations.

1.3 ALCRM – The 'All Level Crossing Risk Model'

The All Level Crossing Risk Model (ALCRM), uses data obtained from level crossing sites to calculate a Risk Ranking score. The ALCRM calculates risk using two categories, 'individual' and 'collective' risk. Individual risk is the risk to an individual user of the crossing. Collective risk encompasses the risk to the individual, the risk to the train driver, passengers on board the train and the business and industry reputational damage for example. The individual risk is scored alphabetically from A to M with 'A' being the highest individual risk. The collective score is ranked numerically from 1 to 13 with '1' being the highest collective risk. The highest overall risk is therefore 'A1', and the lowest overall risk is 'M13'.

This Risk Ranking criteria gives a simple method to compare the risk at different assets and for different options, however, this risk rank is based on a more specific risk score which is calculated in units of Fatalities and Weighted Injuries per year (FWI/yr). The FWI/yr values quoted in this document are the values attained for the collective risk element of the calculation.

The ALCRM software is a Network Rail owned tool that gives quantification to the level of risk at each crossing asset. ALCRM also can provide a narrative that can list key risk drivers at the crossing, although, it should be noted that not all of these risk drivers will contribute to the score. The following factors are examples of key risk drivers:

- User Misuse (e.g. red light running)
- Blocking Back
- High Usage
- Frequency of trains
- Sun Glare

The ALCRM can also be used to generate scores when considering closure or potential upgrade options for a level crossing.

It is important to note that although the ALCRM can give some quantification of the levels of risk at a crossing, the decision on which option would represent the risk being reduced So Far as is Reasonably Practicable (SFAIRP) remains with the stakeholders with the ALCRM giving guidance.

ALCRM scores were generated by Network Rail for Wernddu Footpath Level Crossing and also for upgrade options proposed for this site to assist with comparison and decision-making process carried out at the Options and Risk Control Workshop.

The calculated collective risk FWI/yr figure generated by ALCRM can be used to create a Benefit Cost Ratio (BCR). A BCR can also generated for upgrade options for the stakeholders to advise the decision-making process. This is carried out by comparing the capital and operation costs of upgrades with the calculated reduction in risk scores (FWI/yr) brought about by the proposed intervention over its proposed life time.

Specifically, for this risk assessment process, RSK Business Solutions Ltd utilised the RSSB's Taking Safe Decisions Analysis Tool (TSD-AD v2.9.1) which utilises the 2019 Value for Preventing a Fatality (VpF) of £2,017,000. This tool is the current industry standard method of evaluating cost benefit of safety related mitigations. The calculated BCR value was used during workshops as a quantitative guide to the feasibility of different options. It is calculated using costs supplied by the project and reviewed during the workshops as an advisory figure to aid in the option selection.

The RSSB guidance on the use of the BCR sets out that a figure close to or in excess of 1 would indicate a very strong business case for implementing the mitigation in terms of the safety benefits over the life time of the intervention. A BCR value closer to zero indicates that the safety benefits provided by the mitigation would be disproportionately outweighed by the cost for the mitigation. Finally, a negative BCR value may indicate that there would be cost benefits over the lifetime of the mitigation, for example where the operation cost savings outweigh the capital costs of the mitigation.

For the assessment of cost benefit, RSK Business Solutions, used the Network Rail mitigation costs sheet and adjusted these values dependent upon the local features and environment. These costs were discussed and agreed at the Workshops.

2.0 DESCRIPTION OF SITE

2.1 Crossing Details

Wernddu Footpath Level Crossing (Wernddu FP) is on the Rhymney To Queen Street North Junction Line (ELR: CAR) at 7 miles and 47 chains. The line currently has 2 tracks, with the Up Main direction going towards Caerphilly Station and the Down Main direction going towards Caerphilly Tunnel. The speed in the Down direction is 65mph and 60mph in the Up direction. A disused station, Wernddu, is located just before the Caerphilly Tunnel. The footpath links Van Road with Cefn Carnau Lane.

On the Down side of Wernddu FP the footpath is bordered by a wall and palisade fencing. The footpath passes through the Caerphilly Business Park. Immediately next to the footpath is an office building car park and a shipping container storage facility.

On the Up side of Wernddu FP the footpath leads to the Warren, a woodland managed by the forestry commission. The Up side footpath borders a scrapyard on one side and a residential property on the other. At the entrance to the footpath on Cefn Carnau Lane there is a rusted kissing gate. The footpath leading to the crossing is narrow with tension wire fencing overgrown vegetation each side. The footpath runs along the railway border fence to a stile,

The approaches on both sides are narrow, unlit pathways. The footpath crossing has stiles on each side.

The line through the crossing is not currently electrified. The line is used by passenger trains. Wernddu Footpath Level Crossing is currently a passive type crossing with whistle boards to alert pedestrian users. The crossing relies on the user sighting an approaching train.

Photographs of the level crossing are provided in Figures 2-1.1 and 2-1.2 below, and Wernddu Footpath Level Crossing details are summarised in Table 2-1.3.

Figure 2-1.1: Current Arrangement at Wernddu Footpath Level Crossing (Up side)

Figure 2-1.2: Current Arrangement at Wernddu Footpath Level Crossing (Down side)

Crossing Name	**WERNDDU LEVEL CROSSING**
Crossing type	Public Footpath
Engineers Line Reference (ELR) and Line of Route	CAR
Mlieage	7m 47ch
Network Rall Route	Rhymney to Queen Street North Jn
Number of Running lines	2
Maximum PermlssIble Line-speed over the crossing	65mph
OS Grid Reference	OS GRID: ST169864
Road Name and Type	PUBLIC FOOTPATH
Postcode	CF83 3DA
Local Authority	Caerphilly County Borough Council
Supervising Signal Box	Wales Railway Operating Centre - Valleys Workstation
ElectrIfIcatIon and Type	Not Electrified Currently (To be Electrified: OLE)

Table 2-1.3: Wernddu Footpath Level Crossing Details

2.2 Environment

Wernddu Level Crossing is currently a footpath level crossing connecting Van Road with Cefn Carnau Lane. Caerphilly is located to the North West of Wernndu. All other directions are rural in environment. The Down side approach is bordered by fencing as it passes through the Caerphilly Business Park. The business park houses a range of different businesses, including both office-based companies and small manufacturing companies. Directly next to the Northern approach is a storage facility and a car park for an engineering company.

The footpath on the Up side approach runs between a private residential property and a scrap yard. To the South is the Warren and trails that lead up to Caerphilly Mountain.

Wernddu Footpath Level Crossing is shown marked on the satellite and road map images in Figures 2-2.1 and 2-2.2 below. Figure 2-2.3 shows land use in the surrounding area around Wernddu Footpath Level Crossing.

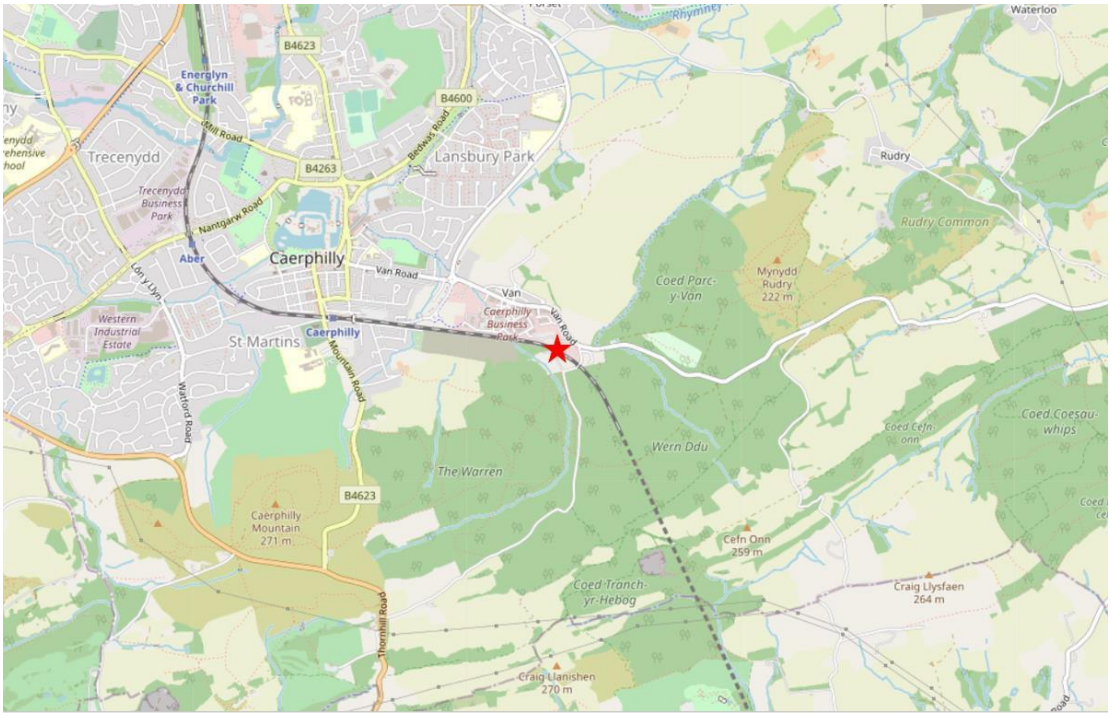


Figure 2-2.1: Location of Wernddu Footpath Level Crossing (Open Street Maps, 2021)

Figure 2-2.2: Satellite View of Wernddu Footpath Level Crossing (Map data, Google 2021)

Figure 2-2.3: Local Land Use Wernddu Footpath Level Crossing

2.3 Footpath Approaches and Footpath Crossing

The presence of stiles and the approaches to the crossing mean that the crossing not suitable for some vulnerable users (Wheelchairs and Mobility Scooters).

When accessing the crossing from the Down side (North), the user will approach from Van Road. The entrance to the footpath is shown in Figure 2-3.1.

Figure 2-3.1: Approach to Wernddu Footpath Level Crossing

Figure 2-3.2: Down side approach to Wernddu Footpath Level Crossing

Figure 2-3.3: Down side approach to Wernddu Footpath Level Crossing

Figure 2-3.4: Down side approach to Wernddu Footpath Level Crossing

When accessing the crossing from the Up side (South), the start of the footpath is at the boundary for the scrap yard and private residential property on Cefn Carnau Road. There is a rusted kissing gate located at the start of the path.

Figure 2-3.5: Entrance to the Up side approach to Wernddu Footpath Level Crossing

Figure 2-3.6: Up side approach to Wernddu Footpath Level Crossing

Figure 2-3.7: Up side approach to Wernddu Footpath Level Crossing

Figure 2-3.8: Up side approach to Wernddu Footpath Level Crossing

Hazards associated with the footpath crossing were identified during the site visit.

A summary of the hazards identified for the footpath approaches is presented in Table 2-3.9.

Hazard	Detail	Potential Control
Unlit approach and crossing	There is no lighting on the crossing or on ether approach. This presents a slip/trip/fall hazard to pedestrian users.	- Lighting (As there is no lighting on approach, there is no requirement to provide lighting at the crossing)
Sun glare	A low-lying sun may affect the sighting of approaching trains for pedestrian users of the crossing.	- Reconfiguring the approaches. **-MSLs** - Whistle boards (Currently in place)
Stiles on each side of the crossing	-The stiles present a trip hazard to users while climbing over. The stiles are nonstandard and the step over is high for users. -The stiles also slow down users as they leave the railway, particularly if multiple users' que up to use the stile. -The stiles also increase the traverse time.	- Provision of gates - Relocation stiles to a position further from the decision point
Crossing deck is a combination of sleepers and panels. The deck undulates slightly.	The crossing deck is a combination of wooden sleepers and suspended wooden panels. It is not level and presents a slip/trip hazard to users.	- Provision of a new deck
Ramp on the Down side of the crossing deck	The sloped ramp presents a slip/trip/ fall hazard to users	- Extend the deck to the decision point.

Table 2-3.9: Summary of hazards identified for Footpath approaches and crossing during the site visit

2.4 Rail Approaches, Service Levels and Infrastructure

Wernddu Level Crossing is a footpath level crossing under observation of the Valley Workstation at the Wales Railway Operating centre. The level crossing is over a double track line, on the Rhymney to Queen Street North Junction Line. The nine-day census recorded an average of 86 trains per day, however this is a reduced timetable due to the COVID-19 Pandemic. The Working Time Table shows 124 trains per day and this figure was used to generate the ALCRM scores. TfW proposes to increase the frequency of train services to 216 per day. The line speed over the crossing is currently 65mph in the Down direction 60mph in the Up direction. It was highlighted during the workshop that freight trains would be accelerating up to line speed on the Up line at the crossing. There are whistle boards either side and they give enough warning time for a traverse at 1.189m/s.

Empty Coaching Stock (ECS) movements take place on this line. During the leaf fall season (October to December), an Engineering Train is timetabled twice a day. The double track is curved in both directions and lined with vegetation in both directions. Trains on or past the crossing would obstruct the view of trains approaching in the other direction and also affect the audibility of the warning provided at the whistle boards.

The rail approach in both directions can be seen in Figures 2-4.2 to 2-4.5 below. The Sectional Appendix for the area around Wernddu Footpath Level Crossing can be seen in Figure 2-4.1. The Scheme Plan for the current layout of the area and the proposed upgrades are shown in Appendix D (Drawing No. PLAN 03 SKETCH, Phase 2 scheme sketch, Llanbrach – Heath Low Level, Version 0.2).

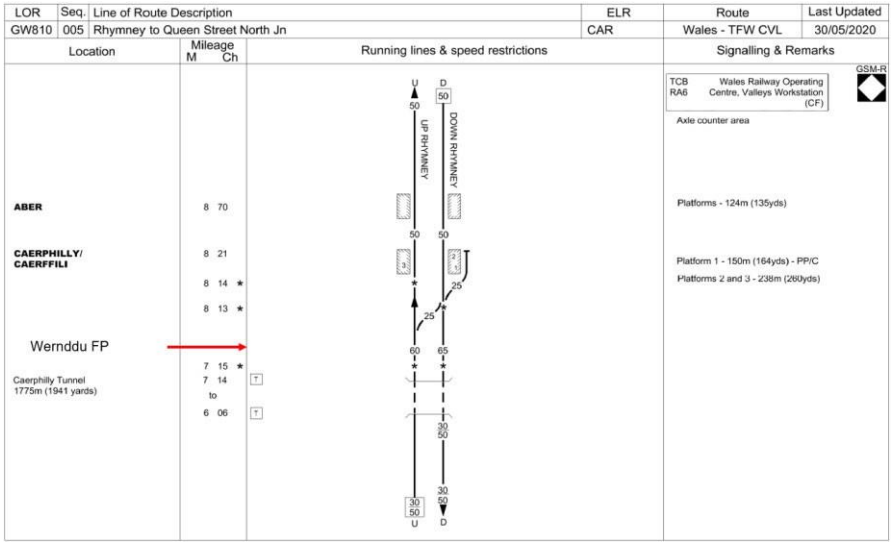


Figure 2-4.1: Sectional Appendix Extract for Wernddu Footpath Level Crossing

Figure 2-4.2: Railway in the Down direction from the Down side

Figure 2-4.3: Railway in the Up direction from the Down side

Figure 2-4.4: Railway in the Up direction from the Up side

Figure 2-4.5: Railway in the Down direction from the Up side

The stiles on each side are in good condition however the step over is high on the Up side. Signage at the site is in good condition but only English signage is available The signage is located at the stiles on each side. On the Up side the stile is at the decision point. The crossing deck is a combination of timber panels and sleepers, covered in an anti-slip surface. The markings showing the edges of the deck are faded. There is a ramp up the ballast from the Down side. There is no trespass protection at the crossing.

Figure 2-4.6: Down side Stile

Figure 2-4.7: Level crossing deck

Figure 2-4.8: Level crossing deck

2.5 Incident History

Incident Data from the previous 10 years relating to level crossings from Network Rail's SMIS was requested by RSK however there were no entries relating to the Wernddu Footpath Level Crossing.

During the nine-day census, on Saturday 26th September two separate events were recorded of users standing in a position of safety to take photographs of approaching trains. On Sunday 27th September, Dog Walkers (Dog on Lead) were seen waiting on the crossing as an Accompanied Child was assisted over the stile.

2.6 Sighting and Traverse

The traverse distance of Wernddu Footpath Level Crossing, as taken from site measurements, is 9.3m when crossing from both the up and down sides. This is measured as the distance between 2m from the nearest rail on each side, the decision point. The decision point is the distance from the railway at which a user can reasonably decide to cross. The decision point on the Up side is at the stile. Users may not look for trains sufficiently as they are climbing over the stile. This also may slow users down leaving the crossing as they climb over the stile. Fog is a known issue in this location and can affect sighting.

Sighting is the distance at which approaching trains can be seen. The sighting was measured using a range finder. The warning time provided by the sighting distance is insufficient in all directions for regular users.

The time required to traverse the crossing is 7.82 seconds for pedestrians. This is calculated using the average walking speed of 1.189m/s for an able-bodied person.

Table 2-6.1: Decision points and Traverse Lengths for Wernddu Footpath Level Crossing

	Decision point (m)	**Traverse length (m)**	**Measured from**
Up side	2m*	9.3	2m from rail
Down side	2m*	9.3	2m from rail, (Stile)

** 2m used in order to align with the distance used within the ALCRM.*

Table 2-6.2: Traverse Times for Wernddu Footpath Level Crossing

	Traverse Time (Seconds)
Pedestrians	7.82

Table 2-6.3: Sighting Distances for Wernddu Footpath Level Crossing

	Minimum sighting distance required (Line speed x Traverse time)	**Measured sighting distance**	**Sighting distance measured to**	**Time from measured sighting to train arrival at Max Line speed**	**Is sighting compliant?**
Upside looking to up direction train approach	209.8m (60mph)	135m	Track	5.03	No
Upside looking to down direction train approach	227.3m (65mph)	140m	Track	4.81	No
Downside looking to up direction train approach	209.8m (60mph)	180m	Track	6.71	No
Downside looking to down direction train approach	227.3m (65mph)	200m	Track	6.88	No

* *Measured using a range finder.*

The sighting at this location will be affected by the installation of the Overhead Line Equipment (OLE) and this may further restrict the sighting currently available.

2.7 Impact of the Sun

The sun has the potential to impact the users of the crossing by affecting the sighting along the tracks. Users of the crossing are required to look along the tracks to assess whether or not a train is approaching. Glare from the sun can interfere with their sight.

Summer Solstice: 21/06/2021 Winter Solstice: 21/12/2021

Figure 2-7.1: SunCalc Calculations at Wernddu Footpath Level Crossing (SunCalc.org © Torsten Hoffmenn, 2015-2021)

The SunCalc application has been used to identify the line of the sun and sunset on the summer and winter solstice, the longest and shortest days of the year. The thin orange curve marks the trajectory of the sun and the yellow area is the variation of the sun trajectories over the year. The closer a point to the centre, the higher the sun above the horizon. The orange line indicates the direction of the sunrise and the red line shows the direction of the sunset.

As shown in Figure 2-7.1, users may be affected by a low-lying sun in the spring and autumn months when looking in the Up direction. The curvature of the track on each side of the crossing, along with a high tree line may mitigate the effects of low sun.

2.8 Current Mitigations

2.8.1 Whistle Boards

There are whistle boards located either side of Wernddu Footpath Level Crossing. The train horn is clearly audible in both directions. It is important to note that whistle boards are not active during the hours of 00:00 to 06:00. Adverse weather can also impact the effectiveness of an audible warning.

	Line Speed	Distance to Whistle Board	Whistle Board Warning Time	Warning time/Traverse Time difference	Comments
Up line	60mph	324m	11.13s	+3.31s	-
Down Line	65mph	323m	10.17s	+2.35s	-

Noise pollution from the industrial units surrounding the level crossing may affect users hearing horns from approaching trains.

A train already passing over the crossing may affect audibility of the whistle boards, particularly freight trains.

The whistle boards provide enough warning time for able bodied users.

2.8.2 Warning Signs

All warning signs at Wernddu Footpath Level Crossing are in good condition. Signage is only available in English. 'Stop, Look and Listen' signage is provided here on both sides. The signage is located at the stiles. On the Down side, the signage is not located at the decision point.

Figure 2-8.2.1: Signage on Up side

Figure 2-8.2.2: Signage on Down side

3.0 OPTION ASSESSMENT

A Level Crossing Options and Risk Control Workshop was held for Wernddu Footpath Level Crossing on 10th February 2021 and facilitated by RSK Business Solutions. The Workshop was held via teleconference call.

3.1 Residual Risks

3.1.1 Current Level Crossing Usage

A nine-day census was carried out between 26th September and 4th October 2020. The Caerphilly district was in lockdown due to the COVID-19 Pandemic at the time the census was completed. The users were categorised into the following user types, requested in the Network Rail Specification GRD 007 dated 02/02/2013:

- Adult Pedestrians
- Accompanied Children
- Unaccompanied Children
- Dog Walkers (with dog(s) on lead)
- Dog Walkers (with dog(s) off lead)
- Cyclists (riding cycle)
- Cyclists (pushing cycle)
- Elderly pedestrians
- Impaired Pedestrians
- Wheelchair Users
- Pedestrians with Pushchairs and Prams
- Mobility Scooters
- Railway Personnel

The nine-day average pedestrian use recorded was 2.33 users per day, with a weekday average of 0.8 traverses per day and a weekend average of 4.25 users per day. Unaccompanied Children and Elderly users were recorded at the crossing. In a previous Network Rail census (October 2019), a pedal cyclist was recorded using the crossing.

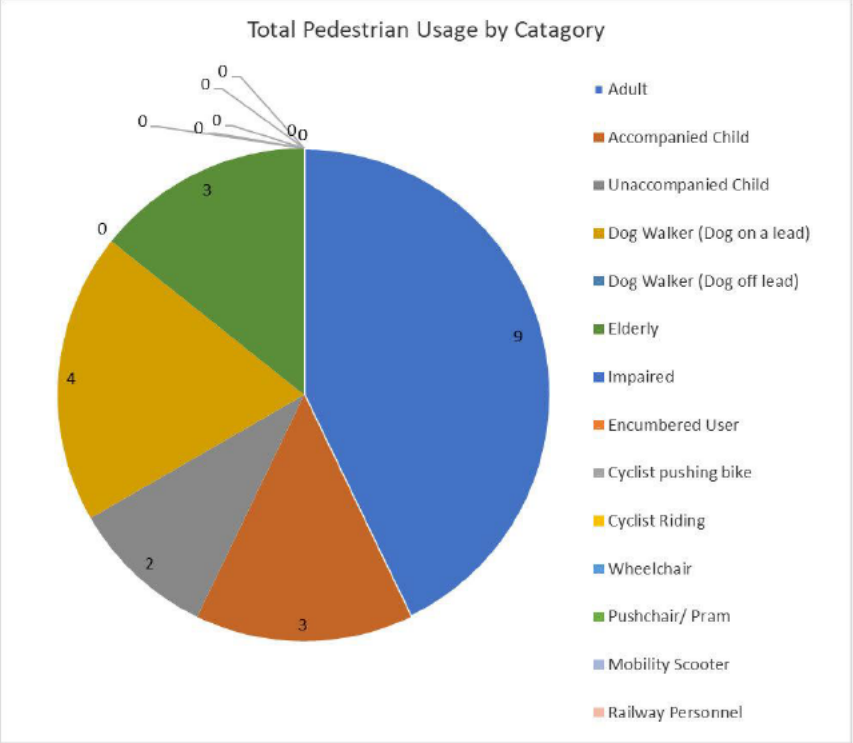
Train services were reduced during the census period. Network Rail generated the ALCRM scores using a train count from the current Working Timetable (124 trains per day, May – December 2020).

The tables and figures 3-1.1.1 and 3-1.1.2 summarise the results of the survey:

		Adult	Accompanied Child	Unaccompanied Child	Dog Walker (Dog on a lead)	Dog Walker (Dog off lead)	Elderly	Impaired	Encumbered User	Cyclist pushing bike	Cyclist Riding	Wheelchair	Pushchair/ Pram	Mobility Scooter	Railway Personnel	Total	Total - Railway Personnel
Saturday	26/09/2020	0	0	2	1	0	1	0	0	0	0	0	0	0	0	4	4
Sunday	27/09/2020	3	3	0	2	0	1	0	0	0	0	0	0	0	0	9	9
Monday	28/09/2020	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3
Tuesday	29/09/2020	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Wednesd	30/09/2020	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Thursday	01/10/2020	0	0	0	0	0	1	0	0	0	0	0	0	0	0	1	1
Friday	02/10/2020	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Saturday	03/10/2020	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	1
Sunday	04/10/2020	3	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3
Total over 9 days		9	3	2	4	0	3	0	0	0	0	0	0	0	0	21	21
9 day Average		1	0.33	0.22	0.44	0	0.33	0	0	0	0	0	0	0	0	2.33	2.33
Weekday Average		0.6	0	0	0	0	0.2	0	0	0	0	0	0	0	0	0.8	0.8
Weekend Average		1.5	0.75	0.5	1	0	0.5	0	0	0	0	0	0	0	0	4.25	4.25

Table 3-1.1.1 - Total usage by pedestrians over the nine-day survey period.

Figure 3-1.1.2 - Total crossing usage by category



An estimated census was generated in October 2019 and used in the previous Network Rail risk assessment. The census averaged 3 pedestrians and cyclists per day using the crossing. The new, nine-day RSK census recorded an average of 2.33 pedestrians using the crossing per day.

3.1.2 Level Crossing ALCRM Scores

Using the average values derived from the nine-day census and further details from TRUST, the All Level Crossing Risk Model (ALCRM) was used to generate risk scores for different level crossing types. The scores calculated for the current system at Wernddu Footpath Level Crossing and options to be considered are shown below. The ALCRM scores were generated using a train count from the Working Timetable. This was due to the reduced timetable caused by the COVID-19 pandemic. The ALCRM scores at the time of The Options and Risk Control Workshop had been generated using a line speed of 50mph and not the current speed of 65mph.

Scenario	ALCRM Score	FWI Score
Retain current arrangement, Footpath Crossing	C6	0.000222210
Current arrangement with train frequency increase	C6	0.000385438
Renewal to Footpath LC with MSL and train frequency increase	C6	0.000215801

Issues to be considered (notes accompanying ALCRM):

- Pylons affecting the available sighting.
- The risk of vandalism and attempted theft

3.2 Closure

3.2.1 Closure with no alternative access arrangements

Closure of Wernddu Footpath Level Crossing has been previously attempted in 2015/2016 but was rejected. Closure of the level crossing would also remove the ability to access the track from this location.

3.2.2 Closure with diversion to alternative crossing point

Diversion routes needed to be assessed as closure of the level crossing was considered by the Workshop. The diversion shown below is measured to the closest point to each side of the crossing available (Google Maps 2021). The diversion is approx. 8 minutes from each side of the crossing and passes over a narrow stone bridge. There is no designated footpath on Cefn Carnau Lane. This combined with larger vehicles using the scrap yard on this side of the crossing intrudes a hazard to pedestrians following the diversion. The Workshop considered the addition of a footbridge next to the stone bridge to give a defined pathway for pedestrian users but agreed this would need further investigation into the viability of this.

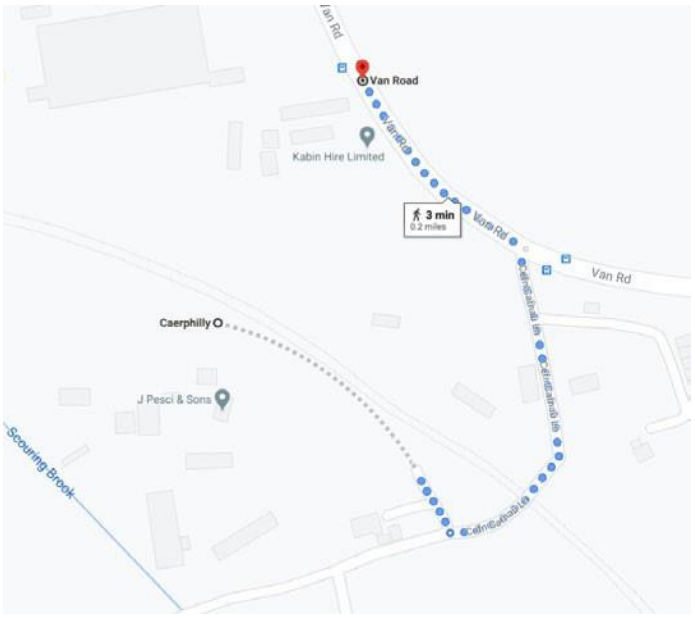


Figure 3-2.2.1: Diversion options for Wernddu Footpath Level Crossing

3.2.3 Closure with installation of a foot bridge

Closure of Wernddu Footpath Level Crossing and installation of a footbridge would remove the requirement for a diversion. Given the approaches to the crossing, a stepped footbridge would be appropriate. A footbridge would have a large footprint at this location and land purchase may be required.

3.3 Option Selection

Due to the proposed project works in this area, the following factors were considered when reviewing the options for Wernddu Footpath Level Crossing:

- The frequency of trains will increase from 124 trains per day (both directions) to 216 trains per day in both directions.
- The electrification of the line will facilitate the introduction of new FLIRT stock which have a reduced engine noise in comparison to the current diesel stock in operation.
- The Overhead Line Equipment will be installed which may have an impact on the sighting distance for passive level crossings along the route including Wernddu.
- There are Empty Coach Stock (ECS) movements within the Whistle Board Exclusion time period of 00:00 to 06:00.

Table 3-3 below summarises the options considered for Wernddu Footpath Level Crossing. A Level Crossing Options and Risk Control Workshop was held for Wernddu Footpath Level Crossing on 10th February 2021 and facilitated by RSK Business Solutions. The Workshop was held via teleconference call.

A full list of Workshop attendees can be found in Appendix B. Appendix C provides the notes and discussions taken on the day of the Workshops for each option considered.

Option	Consideration	Summarised Comments
1. Retain current arrangement (minor improvements as necessary)	**Not Feasible**	**The sighting is not sufficient for users. Fog affects sighting at this location. Ambient noise from local businesses may affect the audibility** of the whistle boards. Trains aossing over the level aossing may affect the **audibility** of whistle boards when a **second train approaches. The Workshop highlighted that the signage is not at the decision point on the Down side and is actually on the ramp up to the level aossing. The Workshop agreed that the ramp presents a slip/bip hazard to users.** **The Workshop agreed that stiles inaease the traverse time that has been recorded. The stiles are particularty high and present a trip hazard. The Up side stile should be moved further away from the track as the decision point is at the track side step. Closure removes the ability to access the track here.** **Agreed by the Workshop that the resultant risk would remain intolerably high. This ootion was not considered feasible.**
2. Closure of the Level Crossing	**Not Feasible**	A aossing of the railway is required in this **area. Closure has been pursued previously was rejeded.** **This option was not considered feasi>le by the Workshop without a suitable diversion.**
3. Closure of the level crossing with a diversion of the existing access to an alternative crossing point	**Viable and to be progressed by the project**	**The Workshop agreed that the diversion was reasonable and given the low usage of the crossing,** it **should be explored.** **The Workshop highlighted that there is no pavement on the diversionary route and large vehicles also use the road to access the scrap yard on the Up side. Therefore,**

Option	Consideration	Summarised Comments
		the closure of the crossing may expose pedestrian users to other hazards. A particularly narrow part of the road is the stone bridge, the Workshop discussed the possibility for a footbridge to be built next to this. During the site visit multiple pedestrians were seen walking on the road and the Workshop agreed that pedestrian usage of the road should be investigated as this may support this option if it can be proven. Summary The Workshop agreed that the diversion is reasonable and the low usage of the crossing support closure. The Workshop agreed that closure of the level crossing should be pursued along with further investigation into the suitability of the diversion via Cefn Camau Lane.
4. Closure of the level crossing with a new alternative access arrangement such as a footbridge	Not Feasible	This option removes allrisk associated with the level aossing. The Workshop highlighted land purchase may be required, and construction constraints may ina-ease cost The Workshop highlighted that the very low levels of usage and the benefit to cost ratio does not support this option. The Workshop agreed that the installation of a footbridge at Wemddu footpath level Crossing is not viable. Although this option removes all risk, the Workshop agreed that the lowusage doesnot justify thehigh costs of this option.
5. Upgrade of the crossing to MSLFP	Not Recommended	The Workshop agreed that this option does resolve the current issues with sighting and whistle boards. The Workshop highlighted that this option does not greatly reduce the FWI per year. It was agreed by the Workshop that this option was not recommended due to the small reduction in FWI per year and the low **usage does not** justify **the high costs of this ootion.**

Table 3-3: Summary of Option Selection for Wernddu Footpath Level Crossing

The considerations for the list of options are further explained in Appendix C, which shows all information and all Workshop comments that were made and they expand on the summary considerations shown above in Table 3-3.

3.4 Summary of Hazards and Project Specific Recommendations

3.4.1 Summary of Hazards Identified on Site

The Options and Risk Control Workshop discussed hazards identified by the site visit.

- The risk assessment site visit identified the following hazards to be considered at the footpath level crossing with its current arrangements in place. It was noted that these may be mitigated by the chosen option;
    - Stiles on both sides are high to climb over and present a trip hazard. The Workshop agreed that the stiles potentially add to the traverse time.
    - The stile on the Up side is at the decision point and should be set back from the railway.
    - The ramp up to the deck on the Down side presents a slip/trip hazard to users and is part of the crossing traverse (between the decision points).
    - Signage is not displayed in Welsh
    - The crossing deck is a combination of wooden sleepers and suspended wooden panels. It is not level and presents a slip/trip hazard to users.

3.4.2 Summary of Project Specific Recommendations

- The Options and Risk Control Workshop completed a detailed review of the recommended options for Wernddu Footpath Level Crossing and agreed the option which would reduce the level crossing risk SFAIRP is:
    - Closure of the crossing with diversion via Cefn Carnau Lane.
        - The Workshop recommended a census of the stone bridge on Cefn Carnau Lane to support the application of closure.
        - The betterment of the diversion is subject to further review of costings and viability.

Amey Infrastructure Wales

Wernddu Footpath Level Crossing

Level Crossing Suitable and Sufficient Risk Assessment Report

APPENDICES

A. SOURCES OF INFORMATION

- The All Level Crossing Risk Model (ALCRM) data, Safety Management Intelligence System (SMIS) data and the Option Selection for Wernddu were all supplied by Network Rail via Amey Infrastructure Wales.
- Data and photos were collected during a site visit completed on 17th September 2020.
- Satellite Images and diversion calculations from Google (***Map data, Google 2021)***
- Ordinance survey images from Open Street maps (***OpenStreetMap, 2021)***
- *'ORR: Level Crossings: A guide for managers, designers and operators'*, December 2011, Office of Rail Regulation.
- *'Level Crossing Asset Management Policy'* April 2019, Network Rail.
- *'Level Crossing risk Assessment, Technical Scope of Works: Version 1.0',* 23rd May 2012, Network Rail. Doc Ref: *NR/LX/Risk-Assessment/TSW.*
- *'Level 1 Policy: Level crossing asset policy',* 6th June 2020, Network Rail. Doc Ref:*NR/L1/XNG/100.*
- 'Common Safety Method for Risk Evaluation and Assessment – Guidance on the application of Commission Regulation (EU) 402/2013' September 2018.
- '*Wernddu-FPS Passive Level Crossing Risk Assessment',* October 2020. Network Rail. Doc Ref: Wernddu-FPS-7250-2019-10-01-FINAL
- '*Drawing No. PLAN 03 SKETCH'* Phase 2 scheme sketch, Llanbrach – Heath Low Level, Version 0.2. 12th December 2020, Amey Infrastructure Wales.

B. WORKSHOP DATES AND PARTICIPANTS

WORKSHOP 1

VENUE	DATES
Microsoft Teams	10/02/21

Name	Company	Present on 10/02/2021
Gethin Jones	Amey Infrastructure Wales	Y
Robert Jones	TFW	Y
Carys Mazkouri	Amey Infrastructure Wales	Y
Xavier Huillery	Amey Infrastructure Wales	Y
William Richardson	Amey Infrastructure Wales	Y
Garath Chrislett	Amey Infrastructure Wales	Y
Paul Butler	TFW	Y
Peter Gittins	TFW	Y
Charles White	Amey Infrastructure Wales	Y
Richard Cole	Amey Consultant	Y
Richard Foster	Amey Infrastructure Wales	Y
Tony Essam	AARC Professional Services Ltd	Y
Danny Bird	RSK Business Solutions	Y
James Neeson	RSK Business Solutions	Y
Elliot Neale	RSK Business Solutions	Y

C. FULL OPTION SELECTION WORKSHOP NOTES AND CONSIDERATIONS

	Option	ALCRM Score after project	ALCRM Score with option applied	NewALCRM FWI	Feasibility	Cost and Justification	Benefit Cost Ratio	Comments and Notes from Workshops
1	Retain current arrangement (minor improvements as necessary)	CG		0.000222210 0.000385438 with proposed work including line speed increase	Not considered feasible			There is a Whistle board exclusion time in place during 00.00-06.00. Empty coach stock (ECS) will use this line during this exclusion time, presenting an increased risk to users during this period. The sighting is not sufficient for users. Fog affects sighting at this location. Ambient noise from local businesses may affect the audibility of the whistle boards. Trains crossing over the level crossing may affect the audibility of whistle boards when a second train approaches. The workshop highlighted that the signage is not at the decision point on the Down side and is actually on the ramp up to the level crossing. The Workshop agreed that the ramp presents a slip/trip hazard to users.

								The Workshop agreed that stiles increase the traverse time that has been recorded. The stiles are particularly high and present a trip hazard. The Up side stile should be moved further away from the track as the decision point is at the track side step. Closure removes the ability to access the track here. **Summary** Agreed by the Workshop that the resultant risk would remain intolerably high. This option was not considered feasible.
2	Closure with no alternative crossing point	C6	M13	0	Not Considered Feasible			**Summary** A crossing of the railway is required in this area. Closure has been pursued previously was rejected. This option was not considered feasible by the Workshop without a suitable diversion.

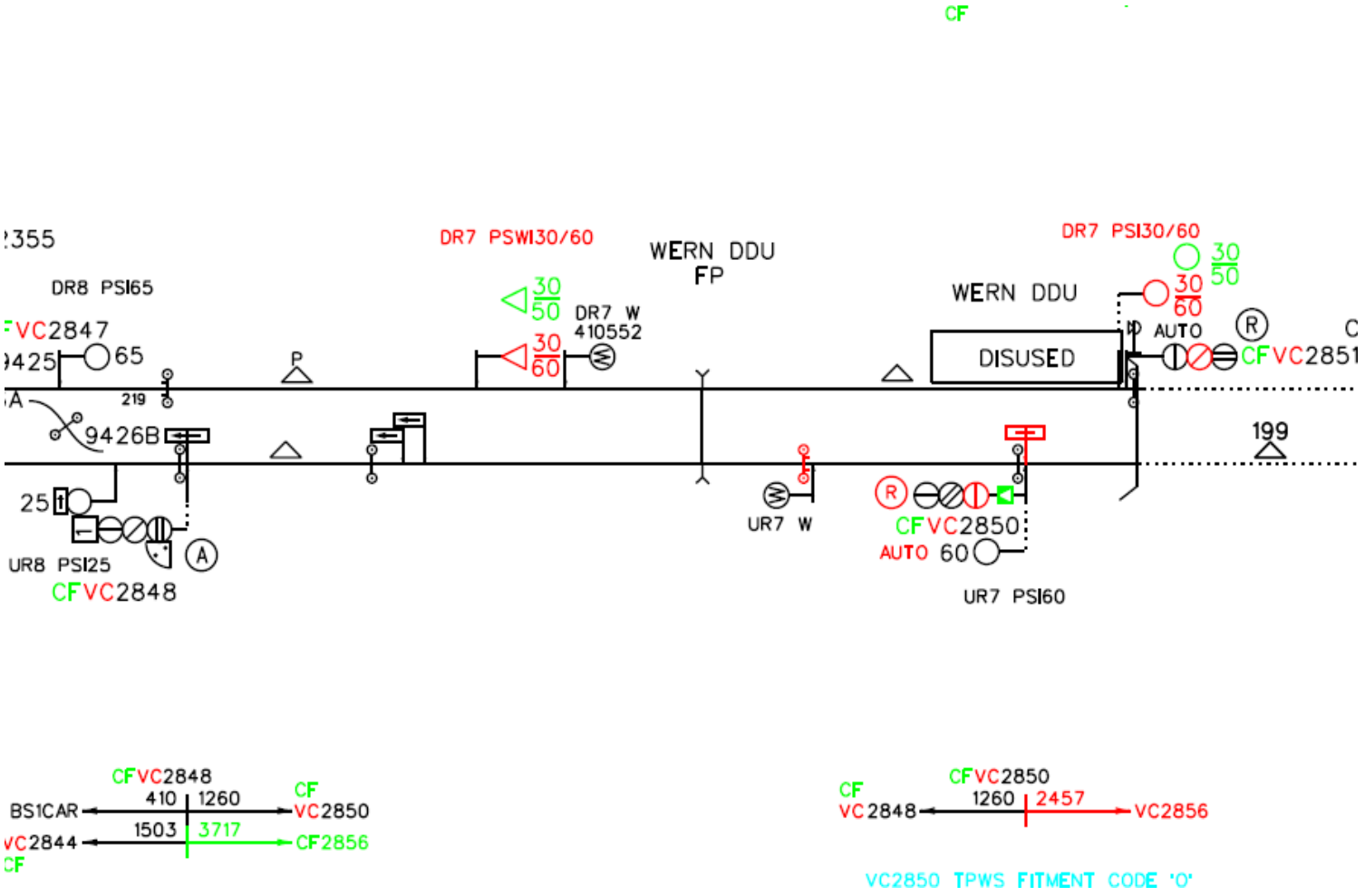
3	**Closure of the LC with a diversion of the existing access to an alternative crossing point**	C6	M13	0	**Viable and to be taken forward by the Project**	£50,000 with £15,900pa maintenance and operational benefit	-0.039 (50 year)	The Workshop agreed that the diversion was reasonable and given the low usage of the crossing, it should be explored. The Workshop highlighted that there is no pavement on the diversionary route and large vehicles also use the road to access the scrap yard on the Up side. Therefore, the closure of the crossing may expose pedestrian users to other hazards. A particularly narrow part of the road is the stone bridge, the Workshop discussed the possibility for a footbridge to be built next to this. During the site visit multiple pedestrians were seen walking on the road and the Workshop agreed that pedestrian usage of the road should be investigated as this may support this option if it can be proven. **Summary** The Workshop agreed that the diversion is reasonable and the low usage of the crossing support closure. The Workshop agreed that closure of the level crossing should be pursued along with further investigation into the suitability of the diversion via Cefn Carnau Lane.

4	Closure of the LC with a new alternative access arrangement such as a foot bridge.	C6	M13	0	Not Considered Feasible	Capital Cost £1,300,000 (Estimate supplied by Amey Consulting). Operational Benefit +£1000pa. Maintenance Benefit +£15,000pa.	0.015 (50 year)	This option removes all risk associated with the level crossing. The Workshop highlighted that the footbridge would need to go over the OLE. The Workshop agreed that a ramped footbridge would not be necessary given the approaches each side of the crossing. The workshop highlighted land purchase may be required, and construction constraints may increase cost. The Workshop highlighted that the very low levels of usage and the benefit to cost ratio does not support this option **Summary** The Workshop agreed that the installation of a footbridge at Wernddu footpath level Crossing is not viable. Although this option removes all risk, the workshop agreed that the very low usage does not justify the high costs of this option.

5	Upgrade of the Crossing to MSL with Train Frequency Increase	C6	C6	0.000215801	Feasible but not recommended	£413,196 (Supplied by Amey Consulting) Operational Benefits of £1000pa, Maintenance cost £750 pa, based on 25-year analysis	0.001	As this line has two tracks, the workshop agreed that users may cross after a train has passed and not anticipate a second train coming. The Workshop also highlighted that as this crossing sees multiple trains per hour, there will be considerable red lights shown by the MSL per hour. Regular users may ignore the lights warning. The Workshop agreed that this option does resolve the current issues with sighting and whistle boards. The Workshop highlighted that this option does not greatly reduce the FWI per year. **Summary** It was agreed by the Workshop that this option was not recommended due to the small reduction in FWI per year and the very low usage does not justify the high costs of this option.

D. SCHEME PLAN EXTRACT

Scheme Plan Drawing No. PLAN 03 SKETCH, Phase 2 scheme sketch, Llanbrach – Heath Low Level, Version 0.2, January 2021



Appendix 7

NOTICE OF CONFIRMATION OF PUBLIC PATH ORDER

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 257

RHYMNEY VALLEY DISTRICT COUNCIL (FOOTPATH NO. 4 IN THE COMMUNITY OF VAN) PUBLIC PATH DIVERSION ORDER 1992

On 25th August 1992 the Rhymney Valley District Council confirmed the above named Order.

The effect of the Order as confirmed is to divert part of Footpath No. 4 Van as described in the Schedule hereto and deposited plan.

A copy of the confirmed Order and the map contained in it has been deposited at the Reception Desk, Ystrad Fawr, Ystrad Mynach, and may be inspected free of charge between the hours of 9.00 a.m. and 4.30 p.m. Copies of the Order and maps may be purchased.

This Order becomes operative as from the date of its confirmation, but if any person aggrieved by the Order desires to question the validity thereof or of any provision contained therein on the ground that it is not within the powers of the Town and Country Planning Act 1990, or on the ground that any requirement of that Act or any regulation made thereunder has not been complied with in relation to the confirmation of the Order, he may within six weeks from the date on which this notice is published, make application for the purpose to the High Court.

Dated: 12th January 1993

D. JOHN
PRINCIPAL ADMINISTRATIVE SERVICES OFFICER

SCHEDULE A

Description of Site of Existing Highway

That part of Footpath 4, Van at Harold Wilson Industrial Estate, Caerphilly (known as British Railway Locomotive Works) at a point 130 metres or thereabouts from where the path crosses the railway line, shown as point A on the plan, in a north-north easterly direction to the maintainable highway known as Van Road, a total distance of 55 metres or thereabouts shown on the plan between points A and B by a bold black line.

SCHEDULE B

Description of Site of New Path

The new path, commencing at a point 130 metres north of where the path crosses the railway line at the Harold Wilson Industrial Estate, Caerphilly (formerly known as British Railway Locomotive Works) shown as point A on the plan, in an easterly and south-easterly direction along the estate road footway to Van Road for a distance of 40 metres or thereabouts shown as point C on the plan and then in a north-westerly direction along the footway adjacent to Van Road to link up with the existing Footpath 4 at point B shown on the plan, a total distance of 115 metres or thereabouts shown between points A-C-B by a bold dashed line.

PUBLIC PATH DIVERSION ORDER

TOWN & COUNTRY PLANNING ACT 1990

RHYMNEY VALLEY DISTRICT COUNCIL

CYNGOR ARDAL CWM RHYMNI

RHYMNEY VALLEY DISTRICT COUNCIL (FOOTPATH NO. 4 IN THE COMMUNITY OF VAN) PUBLIC PATH DIVERSION ORDER 1992

Whereas the Rhymney Valley District Council are satisfied that it is necessary to divert the footpath to which this Order relates in order to enable development to be carried out in accordance with planning permission granted under Part 3 of the Town and Country Planning Act 1990 or the enactments replaced by that part of the Act:-

Now, therefore, the Rhymney Valley District Council in pursuance of the powers in that behalf conferred by Section 257 of the Town and Country Planning Act 1990 thereby make the following Order:-

1. The footpath over the land situate at Van shown by a bold black line on the map annexed hereto and described in Part 1 of the Schedule hereto shall be diverted as provided by this Order.

2. There shall be created to the reasonable satisfaction of the Rhymney Valley District Council an alternative highway for use as a replacement for the footpath referred to in article 1 above as specified in, and over the land described in Part 2 of the Schedule hereto and shown by bold black dashes on the map contained in this Order.

3. The diversion of the footpath referred to in article 1 above shall have effect within 14 days of the confirmation of this Order.

4. The following works shall be carried out in relation to the highway described in Part 2 of the Schedule hereto, that is to say: the new path to be constructed to a width of 1.4 metres if bounded on one side or 1.8 metres if bounded on both sides and the gradient of the path shall not exceed 1 in 8 or, where this is not possible, steps to be constructed in accordance with the County Council specification.

5. This Order may be cited as the Rhymney Valley District Council (Footpath No. 4 in the Community of Van) Public Path Diversion Order 1992.

SCHEDULE

PART 1

Description of site of existing path

The existing footpath extends from that part of Footpath No.4, Van at Harold Wilson Industrial Estate, Caerphilly (known as British Railway Locomotive Works) at a point 130 metres or thereabouts from where the path crosses the railway line, shown as point A on the plan, in a north-north easterly direction to the maintainable highway known as Van Road, a total distance of 55 metres or thereabouts shown on the plan between points A and B by a bold black line.

PART 2

Description of site of alternative highway

The proposed alternative route will run from a point 130 metres north of where the path crosses the railway line at the Harold Wilson Industrial Estate, Caerphilly (formerly known as British Railway Locomotive Works) shown as point A on the plan, in an easterly and south-easterly direction along the estate road footway to Van Road for a distance of 40 metres or thereabouts shown as point C on the plan and then in a north-westerly direction along the footway adjacent to Van Road to link up with the existing footpath 4 at point B shown on the plan, a total distance of 115 metres or thereabouts shown between points A-C-B by a bold dashed line.

The Common Seal of)
Rhymney Valley District Council)
was hereto affixed on the 17th)
day of June 1992)

162600

[redacted]

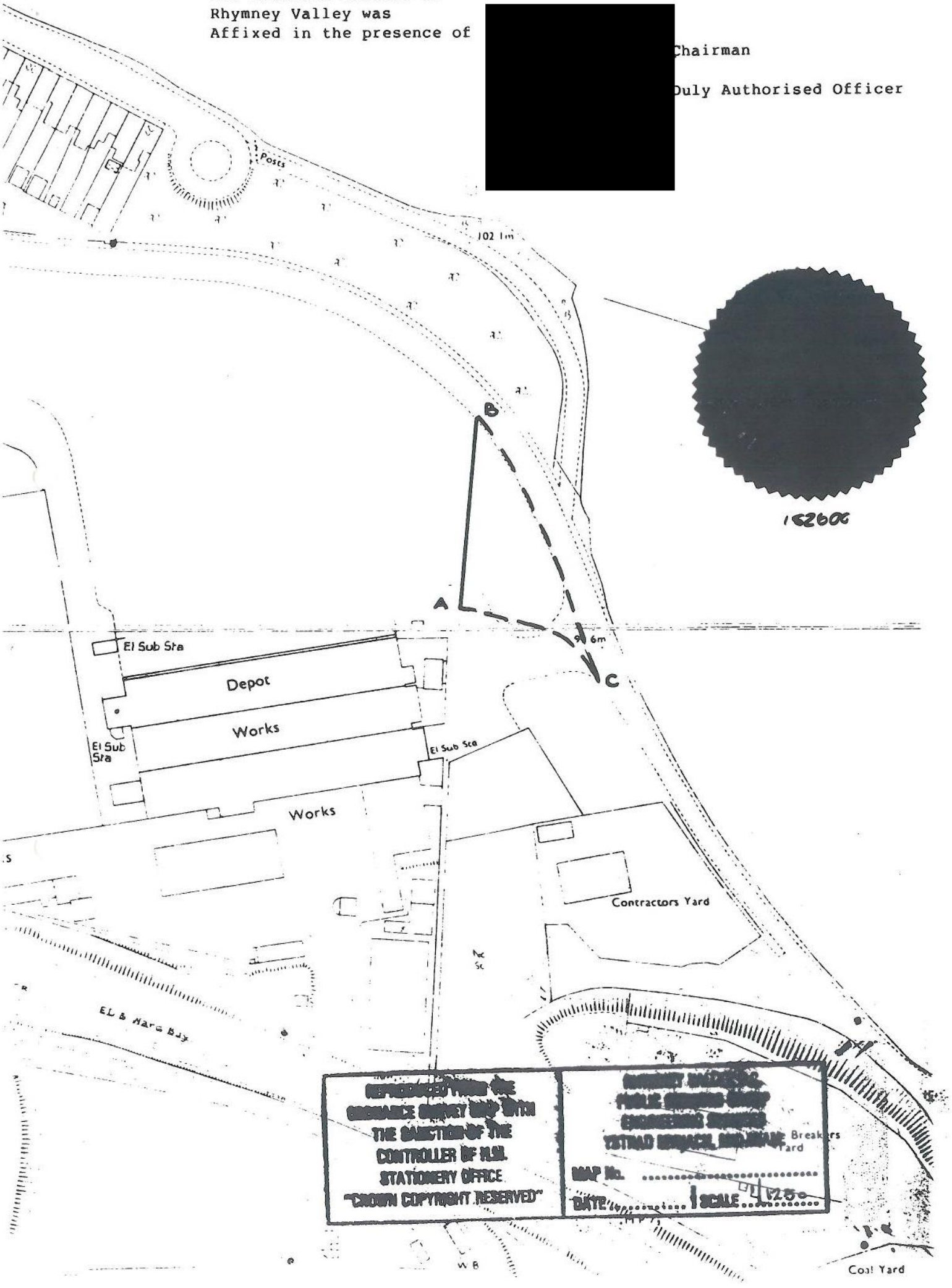
Chairman

[redacted]

Authorised Officer

The Common Seal of
The District Council of
Rhymney Valley was
Affixed in the presence of [redacted] Chairman

[redacted] Duly Authorised Officer



Appendix 8

MID GLAMORGAN COUNTY COUNCIL

NOTICE OF CONFIRMATION OF AN ORDER (OTHER THAN AN ACQUISITION EXTINGUISHMENT ORDER)

HIGHWAYS ACT 1980

FOOTPATH NO. 4 IN THE COMMUNITY OF VAN

PUBLIC PATH DIVERSION ORDER 1994

On 25 November 1994, the Mid Glamorgan County Council confirmed the above Order made under Section 119 of the Highways Act 1980.

The effect of the Order as confirmed is to divert the public footpath from a line described in Schedule A below to a line described in Schedule B below as shown on the Order map, a copy of which is attached hereto.

A copy of the Order as confirmed together with the associated map have been deposited and may be inspected free of charge at the offices of the Rhymney Valley District Council, Ystrad Fawr, Ystrad Mynach and at the Mid Glamorgan County Council, County Hall, Cathays Park, Cardiff, during normal office hours from 8 December 1994 to 20 January 1995. Copies of the Order and associated map may be purchased from the County Secretary and Solicitor, Mid Glamorgan County Council, County Hall, Cathays Park, Cardiff, CF1 3NE at a price of £1.00.

The Order comes into force from the date on which the alternative highway has been constructed to the satisfaction of the Mid Glamorgan County Council. If a person aggrieved by the Order wants to question its validity, or that of any provision contained in it on the ground that any requirement of the Act, as amended, or of any regulation made under the Act, has not been complied with in relation to the Order, then he or she, under paragraph 2 of Schedule 2 to the Act as applied by paragraph 5 of Schedule 6 to the Act, may, within 6 weeks from 8 December 1994, make an application to the High Court.

Dated 8 December 1994

G.R. Thomas
County Secretary and Solicitor

Mid Glamorgan County Council
Mid Glamorgan County Hall
Cathays Park
Cardiff
CF1 3NE

A763/5/FP4 Van.

SCHEDULE A

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That part of Footpath No. 4 in the Community of Van which commences at a point 87 metres north north-west of the centre of the Signal Box and which proceeds in a direction slightly east of north before turning in a curved south-easterly direction to its termination on the County road at a point 127 metres north north-east of the Signal Box, a total distance of 115 metres or thereabouts shown on the attached map by a bold black line between points A-B-C.

SCHEDULE B

DESCRIPTION OF SITE OF NEW PATH OR WAY

A new path constructed of blinded hardcore to a width of 1.4 metres if bounded on one side or 1.8 metres if bounded on both, commencing at a point 87 metres north-north-west of the centre of the Signal Box and proceeding in an east-north-easterly direction before turning in a north-westerly direction to its termination at a point 127 metres north-east of the Signal Box at the entrance to the Industrial Estate, a total distance of 92 metres or thereabouts shown on the attached map by a bold black dashed line between points A-D-C.

ENV/JW/NTVAN4(cmb)

MID GLAMORGAN COUNTY COUNCIL

NOTICE OF MAKING OF AN ORDER (OTHER THAN AN ACQUISITION EXTINGUISHMENT ORDER)

HIGHWAYS ACT 1980

FOOTPATH NO. 4 IN THE COMMUNITY OF VAN

PUBLIC PATH DIVERSION ORDER 1994

The above Order, made on 15 July 1994, under Section 119 of the Highways Act 1980, will divert the public footpath running from a line described in Schedule A below to a line described in Schedule B below, as shown on the map which is attached hereto.

A copy of the Order and Order map have been deposited and may be seen free of charge at the offices of the Mid Glamorgan County Council, County Hall, Cathays Park, Cardiff and at the Rhymney Valley District Council, Ystrad Fawr, Ystrad Mynach, Hengoed during normal office hours from 28 July 1994 to 26 August 1994. Copies of the Order and associated map may be purchased from the County Secretary and Solicitor, Mid Glamorgan County Council, Mid Glamorgan County Hall, Cathays Park, Cardiff CF1 3NE at a price of £1.00.

Any representations about or objections to the Order may be sent in writing to the County Secretary and Solicitor, Mid Glamorgan County Council, Mid Glamorgan County Hall, Cathays Park, Cardiff CF1 3NE (quoting reference: ENV/JW), not later than 26 August 1994. Please state the grounds on which they are made.

If no such representations or objections are duly made, or if any so made are withdrawn, the Mid Glamorgan County Council may confirm the Order as an unopposed Order. If the Order is sent to the Secretary of State for Wales for confirmation then any representations and objections which have not been withdrawn will be sent with it.

Dated 28 July 1994

G.R. Thomas
County Secretary and Solicitor

Mid Glamorgan County Council
Mid Glamorgan County Hall
Cathays Park
Cardiff
CF1 3NE

I CERTIFY THAT COPIES OF THIS NOTICE WERE POSTED BY ME AT EACH END OF THE HIGHWAY(S) CONCERNED AND AT OTHER RELEVANT POSITIONS ON
.....28/7/94.....
AND MAINTAINED IN POSITION UNTIL .....25/8/94.....
SIGNED .....
DESIGNATION ..... DATE 29/10/94

SCHEDULE A

DESCRIPTION OF SITE OF EXISTING PATH OR WAY

That part of Footpath No. 4 in the Community of Van which commences at a point 87 metres north north-west of the centre of the Signal Box and which proceeds in a direction slightly east of north before turning in a curved south-easterly direction to its termination on the County road at a point 127 metres north north-east of the Signal Box, a total distance of 115 metres or thereabouts shown on the attached map by a bold black line between points A-B-C.

SCHEDULE B

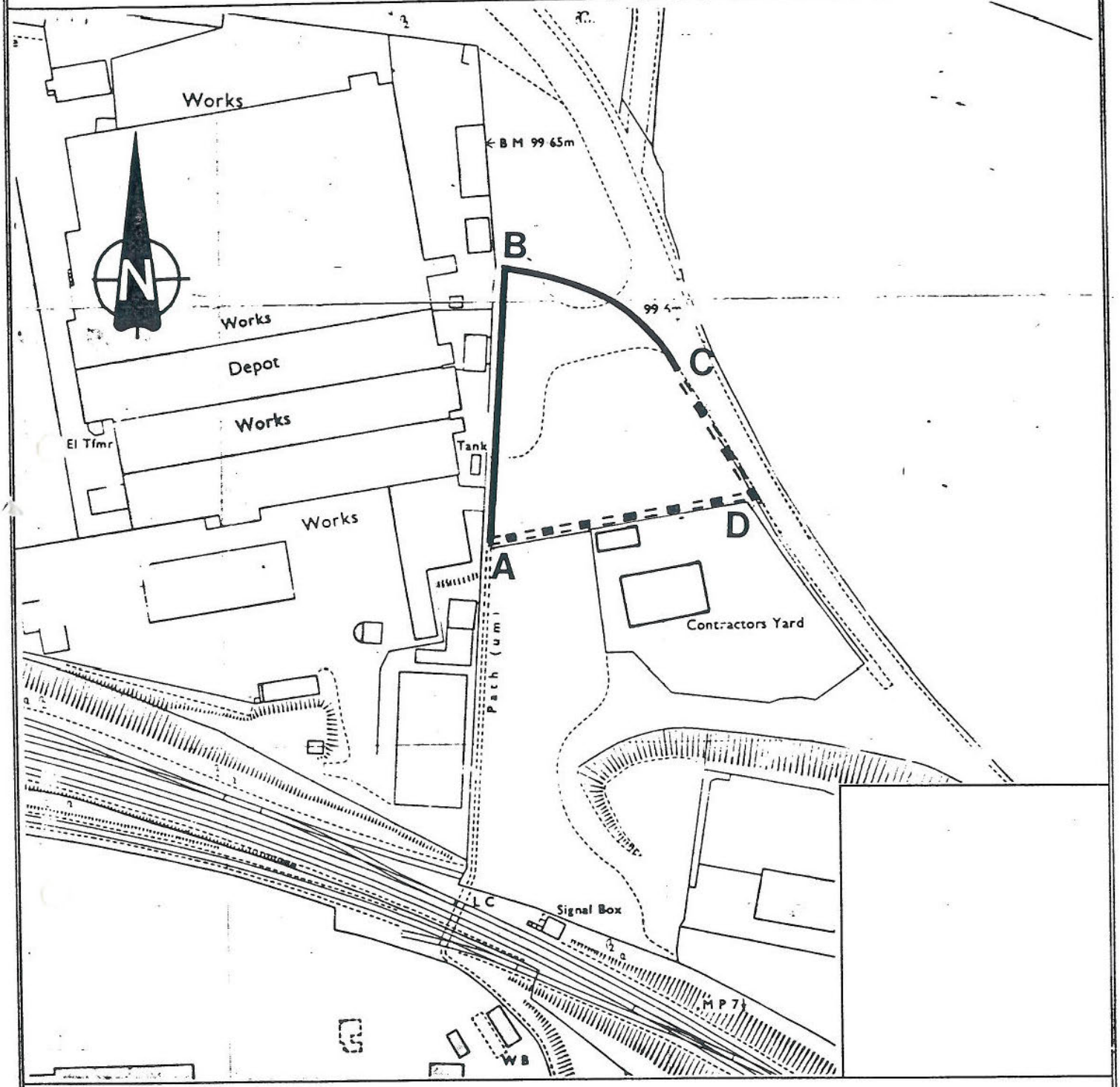
DESCRIPTION OF SITE OF NEW PATH OR WAY

A new path constructed of blinded hardcore to a width of 1.4 metres if bounded on one side or 1.8 metres if bounded on both, commencing at a point 87 metres north-north-west of the centre of the Signal Box and proceeding in an east-north-easterly direction before turning in a north-westerly direction to its termination at a point 127 metres north-east of the Signal Box at the entrance to the Industrial Estate, a total distance of 92 metres or thereabouts shown on the attached map by a bold black dashed line between points A-D-C.

ENV/JW/PPDORD1(cmb)

MID GLAMORGAN COUNTY COUNCIL

Footpath N°4 in the Community of Van
Public Path Diversion Order 1994



Highways at: Harold Wilson Industrial Estate, Van Road, Caerphilly

Highway to be Diverted A ▬ B ▬ C	O.S.Sheet N°ST1686NE ST1686SE Scale:– 1:1250 Ref: A763/5/FP4 Van	Given under the common seal of the Mid Glamorgan County Council this day of in the year One Thousand Nine Hundred and Ninety Four
New Highway A = ▪ D = ▪ C	Based upon Ordnance Survey (1:1250 1976 Map with the Permission of the Controller of HMSO Crown Copyright Reserved L.A.76740	Authorised Officer

Appendix 9

3.1 Overall Usage at Wernddu FP Level Crossing

		Adult	Accompanied Child	Unaccompanied Child	Dog Walker (Dog on a lead)	Dog Walker (Dog off lead)	Elderly	Mobility Impaired	Encumbered User	Cyclist pushing bike	Wheelchair	Pushchair/ Pram	Mobility Scooter	Railway Personnel	Total	Total (Minus Railway Personnel)
Saturday	24/02/2024	9	0	2	0	0	0	0	0	0	0	0	0	0	11	11
Sunday	25/02/2024	3	0	0	0	0	0	0	0	0	0	0	0	0	3	3
Monday	26/02/2024	1	0	0	0	0	0	0	0	0	0	0	0	0	1	1
Tuesday	27/02/2024	3	0	0	0	0	0	0	0	0	0	0	0	0	3	3
Wednesday	28/02/2024	3	0	0	0	0	0	0	0	0	0	0	0	0	3	3
Thursday	29/02/2024	0	0	0	1	0	0	0	0	0	0	0	0	0	1	1
Friday	01/03/2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Saturday	02/03/2024	0	0	0	0	2	0	0	0	0	0	0	0	0	2	2
Sunday	03/03/2024	8	2	0	6	0	0	0	0	0	0	0	0	0	16	16
Total over 9 days		27	2	2	7	2	0	0	0	0	0	0	0	0	40	40
9 day Average		3	0.22	0.22	0.78	0.22	0	0	0	0	0	0	0	0	4.44	4.44
Weekday Average		1.4	0	0	0.2	0	0	0	0	0	0	0	0	0	1.6	1.6
Weekend Average		5	0.5	0.5	1.5	0.5	0	0	0	0	0	0	0	0	8	8

Figure 3-1.1 – Pedestrian usage data recorded during the nine-day census

3.2 Overall Vehicular Usage at road bridge

		Car	Light Goods Vehicle	Motor Cycles	Pedal Cycles	Heavy Goods Vehicles	Tractor & Trailers	Bus	Horse Riders	Herded Animals & Horses	Large / Slow Vehicles	Total
Saturday	24/02/2024	29	22	3	18	0	0	0	1	0	0	73
Sunday	25/02/2024	31	11	0	5	0	0	0	1	0	0	48
Monday	26/02/2024	32	31	0	14	0	0	0	1	0	0	78
Tuesday	27/02/2024	52	33	0	5	2	0	0	0	0	0	92
Wednesday	28/02/2024	41	31	0	3	4	0	0	0	0	0	79
Thursday	29/02/2024	52	26	0	15	6	0	0	0	0	0	99
Friday	01/03/2024	60	36	0	2	4	0	0	1	0	0	103
Saturday	02/03/2024	56	24	0	16	0	0	0	0	0	0	96
Sunday	03/03/2024	43	5	1	20	0	0	0	6	0	0	75
Total over 9 days		396	219	4	98	16	0	0	10	0	0	743
9 day Average		44	24.33	0.44	10.89	1.78	0	0	1.11	0	0	82.56
Weekday Average		47.4	31.4	0	7.8	3.2	0	0	0.4	0	0	90.2
Weekend Average		39.75	15.5	1	14.75	0	0	0	2	0	0	73

Figure 3-2.1 – Vehicular usage data recorded during the nine-day census

3.3 Overall Pedestrian Usage at road bridge

		Adult	Accompanied Child	Unaccompanied Child	Dog Walker (Dog on a lead)	Dog Walker (Dog off lead)	Elderly	Mobility Impaired	Encumbered User	Cyclist Pushing bike	Wheelchair	Pushchair/ Pram	Mobility Scooter	Railway Personnel	Total	Total (Minus Railway Personnel)
Saturday	24/02/2024	39	3	0	47	2	0	1	0	1	0	0	0	0	93	93
Sunday	25/02/2024	35	2	0	34	6	0	1	0	0	0	0	0	0	78	78
Monday	26/02/2024	21	0	0	15	4	3	2	0	0	0	0	0	0	45	45
Tuesday	27/02/2024	14	0	0	24	2	0	0	0	0	0	0	0	0	40	40
Wednesday	28/02/2024	10	0	0	11	2	0	1	0	0	0	0	0	0	24	24
Thursday	29/02/2024	14	0	0	22	2	0	0	0	0	0	0	0	0	38	38
Friday	01/03/2024	11	0	0	16	3	0	0	0	0	0	0	0	0	30	30
Saturday	02/03/2024	26	0	0	26	5	0	0	0	0	0	0	0	0	57	57
Sunday	03/03/2024	46	0	0	33	4	1	1	0	0	0	0	0	0	85	85
Total over 9 days		216	5	0	228	30	4	6	0	1	0	0	0	0	490	490
9 day Average		24	0.56	0	25.33	3.33	0.44	0.67	0	0.11	0	0	0	0	54.44	54.44
Weekday Average		14	0	0	17.6	2.6	0.6	0.6	0	0	0	0	0	0	35.4	35.4
Weekend Average		36.5	1.25	0	35	4.25	0.25	0.75	0	0.25	0	0	0	0	78.25	78.25

Figure 3-3.1 – Pedestrian usage data recorded during the nine-day census

4.1 Number of Trains Per Day

Table 4-1.1 – Train movement data

		Westbound Trains	Eastbound Trains	Combined
Saturday	24/02/2024	57	56	113
Sunday	25/02/2024	12	11	23
Monday	26/02/2024	42	42	84
Tuesday	27/02/2024	40	40	80
Wednesday	28/02/2024	37	37	74
Thursday	29/02/2024	39	40	79
Friday	01/03/2024	40	40	80
Saturday	02/03/2024	43	43	86
Sunday	03/03/2024	11	11	22
Total over 9 days		321	320	641
9 day Average		35.67	35.56	71.22
Weekday Average		39.6	39.8	79.4
Weekend Average		30.75	30.25	61

On Wednesday 28th February 2024, two unaccompanied children placed rocks on the railway tracks for approximately 20 seconds. This is shown in Figure 3-4.1.

Figure 3-4.1 – Two unaccompanied children placing rocks on the railway tracks

On Saturday 24th February 2024, two unaccompanied children were seen loitering around the crossing. One of the unaccompanied children squatted on the crossing before standing on the deck for approximately 20 seconds. This is illustrated in Figure 3-4.2.

Figure 3-4.2 – An unaccompanied child squatting on the crossing.

Figure 3-4.4 – An adult carrying a dog over the crossing without a lead

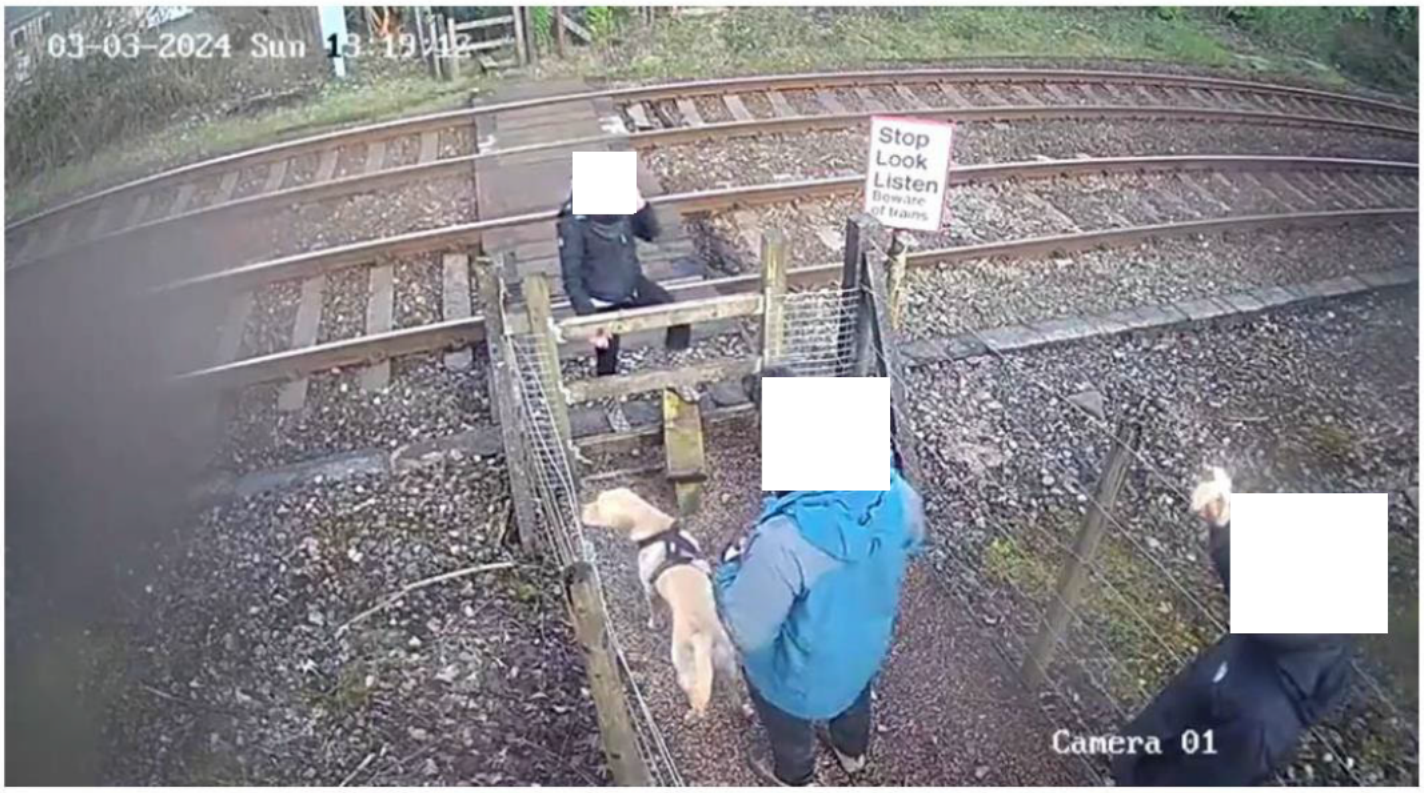


Figure 3-4.5 – An adult standing on the crossing

Figure 3-4.6 – Two adults lifting two medium-sized dogs over the stiles

Appendix 11

REQUEST FOR A RAIL CROSSING EXTINGUISHMENT ORDER TO BE MADE UNDER SECTION 118A OF THE HIGHWAYS ACT 1980 (INSERTED BY THE TRANSPORT AND WORKS ACT 1992).

FOR AUTHORITY'S USE ONLY
File Ref: 23/PPO/003
Date acknowledged: 23/01/2024

The following questions are to be answered and the information and maps requested to be supplied by the applicant to Caerphilly County Borough Council.
Tick the relevant box shown in some questions. Continue on a separate sheet where necessary, clearly indicating the relevant part and subsection.

Section 1: RAIL CROSSING TO BE **EXTINGUISHED**

a) Details of crossing:
   (i) Name of crossing: Wernddu Public footpath level crossing;
   VAN FP 4 - located on the Cardiff to Rhymney railway line .

   (ii) Reference of crossing:

   VAN FP4 ; Railway reference is 7 miles 37 chains on the CAR line (Cardiff to Rhymney).

   (iii) Location of rail crossing including Parish or district in which it is located:
   FP4 in the former parish of VAN - Caerphilly County Borough Council; Links Van Road to Cefn Carnau Lane; CF 83 3DA
   ……..
   (iv) Grid reference: ST 169 864

   ……..
b) Name(s) and number(s) as indicated on the Definitive Map (if known) of any footpaths and/or bridleways leading to the crossing to be extinguished. (Indicate whether footpath or bridleway.)

   FP4 in the former Parish of VAN .

c) Length in metres of any path or way to be extinguished : 290 metres .

d) Description of length of any path or way to be extinguished by reference to terminal points shown on a map to be supplied and attached by the applicant which must be to a scale of not less than 1:2500 or, if no such map is available,
   on the largest scale readily available: See attached plans, so refers:

   Alternative Route Plan Ref:VAN FP4 – Appendix 1
   From Cefn Carnau lane (Point A), in a generally northern direction for approximately 60 metres to point B turning north for approximately 75 metres to the railway boundary fence with stile, and pedestrian public footpath over the railway over 2nd stile on down side boundary, turning generally north east for 135 metres to join road/lane at point D (Wernddu Road and Cefn Carnau lane).

   As above, please see attached Map Ref:**Appendix 1** - Alternative Route Plan; showing the length of the path A-B-C-D, proposed to be extinguished;

e) List the name(s) and address(es) of the owners, lessees and occupiers of the land on either side of any path or way to be extinguished:

To be established as required.

f) Have you obtained the written consent of every person having an interest in the land over which any path or way to be extinguished passes, in so far as such consent is needed?

☐ YES

☐ NO

☐X NOT NEEDED

If Yes, enclose all the written consents.
If No, enclose all written consents that you now possess, and give particulars of where consent has been refused or has yet to be obtained.

……

……

g) Are you prepared to enter an agreement with the council in accordance with section 118A(5)?

X☐ YES

☐ NO

If NO, give reasons:

…….

……

h) Give reasons for the proposed extinguishment of the rail crossing (use separate sheets if necessary). Include information about:

The use currently made of the existing route, including numbers and types of users, and whether there are significant seasonal variations, giving the source for this information (any circumstances preventing or inhibiting such use must be mentioned);
As part of the South Wales Metro, (Cardiff Valleys rail modernisation Project)|, the Cardiff to Rhymney line is being transformed to provide electrified trains to run throughout the route. This project, fully supported by the Office of Rail and Road, (ORR), will increase the hourly passenger rail service from 124 to 216 trains per day (both directions). Additionally the future developments of the Valleys network will include (i) new quieter rolling stock, (ii) more frequent trains, (iii) improved stations facilities and car parking, and faster more efficient journey times. In order for these improvements to be made, in accordance with Health & Safety legislation, ORR requirements, CDM regulations and railway safety standards, all relevant safety risks associated with the railway infrastructure which such improvements will add and incorporate, are required to be have risk assessments undertaken, and respective recommendations taken into consideration.

In summary - The Metro modernisation of the Core Valley Lines (CVL), rail network has now started major construction phases and are providing new OLE overhead wires with supporting

columns, new increased hourly passenger train service with the accompanying electrification rolling stock to operate throughout the CVL network. These modernised rail assets will significantly increase current safety risks, creating new additional hazard considerations on current risk assessments to the existing railway network. These include all level crossings where the public has access.
In line with Health & Safety requirements and railway safety standards, this anticipated increase in the number of trains operating along this stretch of railway immediately enforces the requirement to undertake new risk assessments on all existing level crossings, including public footpath crossings.

A Risk Assessment was therefore carried out and completed in March 2021 and pedestrian census report was arranged (similar to a Network Rail safety/risk assessment reports, data Summer 2015/2016) on behalf of Amey Infrastructure Wales dated September/October 2020. From the accompanying 9 day census report the footpath crossing had a total of 21 users, (average number of 2.33 pedestrian users per day), comprising of adults, children, and dog walkers only. **(See Risk Assessment report D420.6, in Appendix 2 attached to this Application).**

Due to the approaching gradients, underfoot conditions to the railway boundary and stiles at both sides to the crossing, there were no reported use by wheelchairs, mobility scooters or horse riders.

The risk to the public of continuing to use the present crossing and the circumstances that have given rise to the need to make the proposed order;
Currently the footpath crossing relies upon whistle boards, warning signs, stiles, a timber boarded crossing surface, and available sighting of approaching trains from a safe decision point at the crossing.
Whistle boards are currently installed at either direction of the crossing to provide the required audible rail warning notice to the users, and the approaching train driver activates these at a defined set distance from the footpath crossing.
As a result of this increased frequency of trains together with the other railway modifications (OLE), being carried out, the immediate concerns relates to the number of people, of all ranges of vulnerability, who use this crossing.
The Network Rail All level crossing risk model (ALCRM), referred to in the Risk Assessment report, is designed to quantify these additional risks at the level crossing in two ways, individual risk and collective risk. The former is a measure of the risk that an individual crossing user is exposed to when traversing the railway, whilst the latter is a measure of the total harm or safety loss at the crossing.

The collective risk recognises that with the increased number of trains per day operating over this crossing the greater probability there will be to an accident occurring. This statistic, as a result of the proposed new train service, will significantly increase the potential risk of safety at this crossing compared to the current risk score.

Using Network Rail's ALCRM level crossing risk system, it demonstrates that the safety risk will considerably increase, as a consequence of the proposed railway infrastructure improvements which are planning to take place within this locality.
To this end, closure is the only way to completely mitigate and eliminate risk at this level crossing. This is supported and is consistent with the Health and Safety executive's hierarchy of risk control selection for managing hazards and risks, (Management of H&S at Work Regulations 1999), namely that eradication or elimination of risk is always the preferred and safest option.

Crossing closures is also consistent with the Office of Road and Rail (ORR), regulatory requirement for railway operators to “maximise the reduction in risks of accidents at level crossings and ensure that closure is the first option considered)”. (ORR level crossings – A guide for managers December 2011 and Strategy for regulations of health & safety regulations of level crossings).

Accordingly in line with the Welsh Government’s policy of providing a low carbon sustainable transport system, (Welsh Government – The Wales Transport Strategy 2021), the railway infrastructure within the Core Valley Railway network was identified following the completion of extensive surveys, risk assessments and railway safety discussions. As a result of this strategy rail safety risks at level crossings are subject to revised risk assessments which at Wernddu (FP4), has indicated that this will be greater than reasonably permitted.

The effect of the loss of the crossing on users, in particular whether there are alternative rights of way, the safety of these relative to the existing rail crossing, and the effect on any connecting rights of way and on the network as a whole;
The loss of the existing foot crossing will allow discussions with the HA on areas and changes which can be considered, to facilitate the proposed diversionary footpath route. This runs along the current Cefn Carnau lane, over the railway line, and then links back onto the existing proposed closure point. These alternative rights of way are currently on a public road, but any additional infrastructure related improvements, changes or new road safety initiatives, including road speed reduction, to existing highway facilities particularly over the road/railway bridge, and both approaches, can be considered for implementation within the scope of the overall project. These will be subject to all requested prior consultation and approvals by the respective Highway Authority and Transport for Wales/Amey Infrastructure Wales representatives.
The specific route over the existing road/rail bridge is shown on the accompanying plan (**Plan Ref: Alternative Route Plan, see Appendix 1)**, as accompanied with this application.

All agreed infrastructure measures required to be undertaken to make the alternative route acceptable and amenable for the public will be fully discussed, as previously stated. These discussions to be held as appropriate with the local authority, community councils and members of the public.

The opportunity for taking alternative action to remedy the problem such as a diversion, bridge or tunnel, or the carrying out of safety improvements to the existing crossing;
(1) All possible alternative option designs to the existing crossing have been considered and fully debated at the Risk Assessment workshop, including:

(A) Retaining the existing arrangement;

(i) Not considered feasible due to the increase in train movements per day;
(ii) OLE structures/columns will further reduce current sighting time for the public users;
(iii) Whistle Board exclusion time between 2300 – 0600hrs;
(iv) Existing crossing has poor facilities stiles, due to the curvature of the tracks, creating minimal distance from the decision point which the users decide to cross, to the actual railway line;
(v) Danger of 2nd train coming which may not be considered to the user, due to the increase in daily train movements.

(B) Closure with diversion of existing access at existing road bridge, as an alternative point;

(i) Given the very low usage of the footpath crossing, this was considered feasible;
(ii) Based on the census figures, the additional use would not significantly create additional risk at the highway subject to reasonable highway safety adjustments;

(C) Closure with the diversion to a <u>New Access for All footbridge;</u>

(i) Overall finished design height very high, as it would have to be compliant for safety clearances with the new overhead live electric wires;
(ii) Additional land purchase;
(iii) Substantial costs estimated to carry out the overall project;

(D) Upgrade the existing crossing to warning lights function;

(i) existing 2 track railway creates the danger of a 2nd train coming scenario, which creates potential high risk fatality of users thinking the crossing is clear, (based on previous accidents/fatalities on UK railway network);
(ii) due to the increase in hourly train movements, both directions, red light will be lit for long periods;
(iii) users may ignore red lights (regular users);
(iv) substantial high costs involved, retaining same high degree of risk, as the crossing still remains in situ;

Additional summarisation - With the proposed increase in passenger train movements over the crossing, (both directions), together with additional train movements at night which currently does not exist, for <u>empty rolling stock</u> movements, combined will present substantial new and additional risks to the fp users. The track curves in the up direction towards Caerphilly station, making sighting very limited, as the road bridge also creates further restrictions, together with adjoining property trees and vegetation in close proximity of the crossing.
All level crossing points provide opportunities for trespassers to gain access at the crossing to walk up or down the railway line to other locations and allow easy short cuts.
The current layout also presents slip and fall hazards, path way restrictions, and raised deck and steps on both approaches to the crossing.

Due to the points raised above, the only safe solution acceptable to the railway industry, fully supported by their Regulator, the Office of Rail and Road, (ORR's Strategy for H&S regulations of level crossings, A guide for managers December 2011), and in compliance with current Health & Safety criteria, (H&S Work Regulations 1999), is to seek and ensure closure of level crossings is the first option considered, with the appropriate consent for the extinguishment of the current public right of way over the railway infrastructure at this location.

(ii) The estimated cost of any practicable measures identified under (iv) above;
(i) Estimated costs (based on similar type of projects currently taking place on the Metro Project), for a **new designed footbridge** stepped only, is in excess of £2m (+/- 50%), These costs include identified property negotiations and acquisitions, all railway engineering design optioneering, and final consents, plus the required Town &

Country Planning Application procedure. (ii) Estimated costs for upgrade modifications works to the existing crossing into a signalled warning light type crossing facility, is in excess of £0.5m (+/- 50%).

(iii) The barriers and / or signs that would need to be erected at the crossing or the point from which any path or way is to be extinguished, assuming the order is confirmed.

This will be agreed and implemented following the confirmation of the Order.

Section 2: NAMES AND ADDRESSES OF PUBLIC UTILITY UNDERTAKERS IN AREA (whether or not their apparatus is likely to be affected):

i) Public gas supplier:…Wales & West Utilities, Spooner Close, Newport NP10 8FZ

ii) Public electricity supplier: Western Power Distribution, Llanelli Grid, SA15 2LF

iii) Water undertaker: Welsh Water Authority, Fortran Road, Cardiff, CF30 0EH
……

iv) Sewerage undertaker (if different): As above - Welsh Water Authority …….

v) Public telecommunications operator: Open Reach - Contact via website.
……

vi) Others (specify) NA

Section 3: MAPS AND PLANS

List below all maps and plans accompanying this request, giving details of their scale and content. In addition to the map mentioned in paragraph 1(d), this must include a map of a scale not less than 1:25,000 or, if no such map is available, on the largest scale readily available, showing the crossing and any paths or ways to be extinguished, and any connecting paths or ways, within the context of the general rights of way network.

Alternative Route Plan – **Appendix 1**

……

General Location Plan – **Appendix 3**

……

Section 4: OTHER INFORMATION

Give any other information you consider relevant:

……

……

……

……

……

DECLARATION

I/We:

a) Understand that no authority for the extinguishment or obstruction of any path or way in this request is conferred unless or until a Rail Crossing Extinguishment order has been confirmed and come into force:
b) Request that a Rail Crossing Extinguishment order be made to stop up the crossing and any path or way described in Section 1 above; and
c) Declare that, to the best of my/our knowledge and belief, all of the factual information included in this form is true and accurate.

Signed:……RJCole

Name in Capitals: Richard John Cole…

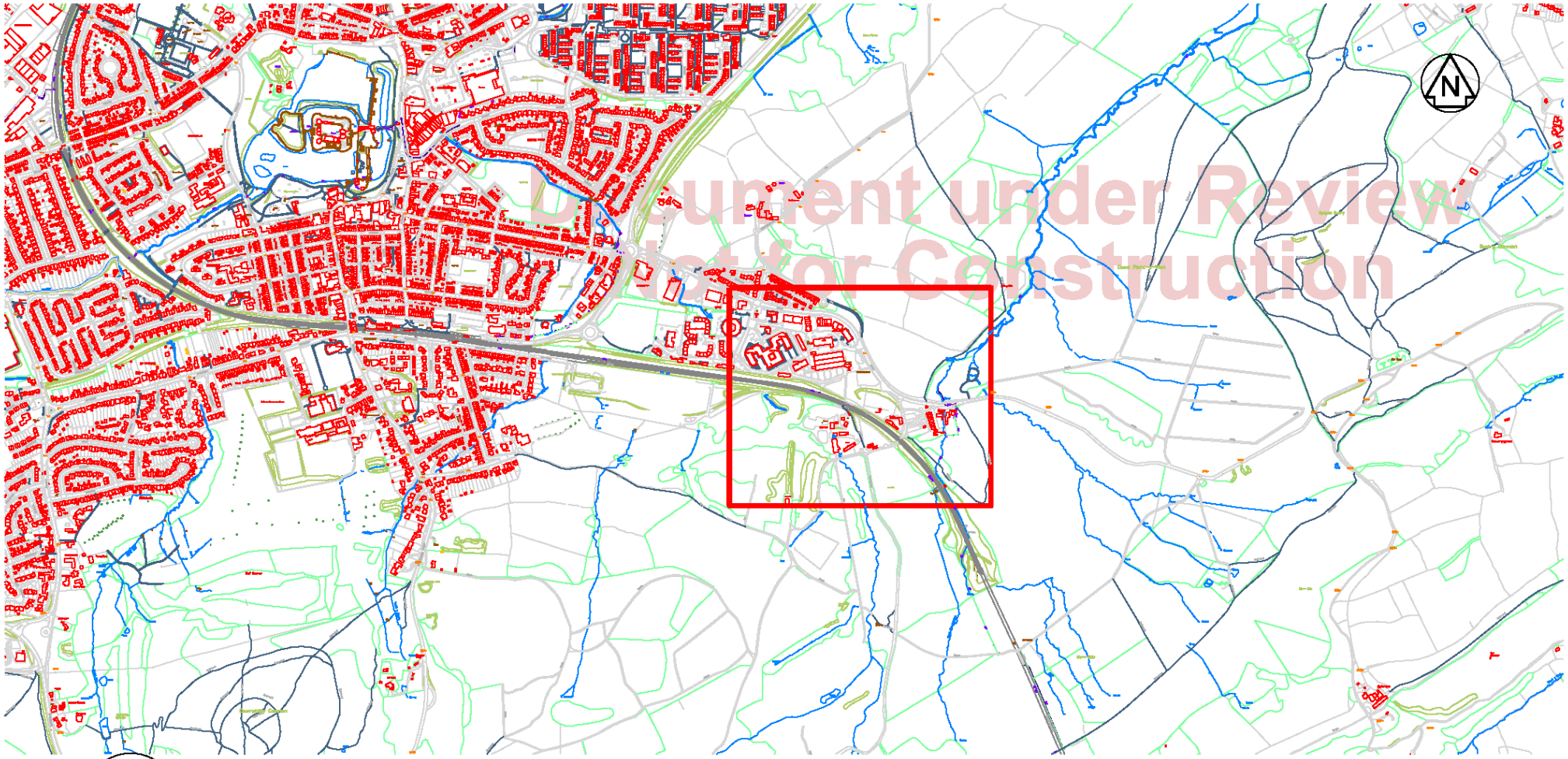
On behalf of (name of railway or tramway operator):…….Transport for Wales…

Address:…….

Position held:…Railway Consultant

Date 23rd January 2023

Note:- the council will need all relevant information to enable them to proceed.



1 FP4
CUSTOM 1:15000

Contractor(s)
Amey Infrastructure Wales

Type	CAD drawings	Sub-type	DDR
Role	Z	Sub-Role	MF
Zone	RHY		
Plan of Work Stage	E		
Authorised	—	Signed	Authorised by eSign
Date	—		
Status	Fit for Internal Review and Comment	Suitability	S3
Scale(s)	AS SHOWN	ELR & Mileage	***M ***ch to ***M ***ch

B01	22/03/24	First Version	DE	MG	NB	
Rev	Date	Description of Revisions	Drawn	Chkd	Appr	

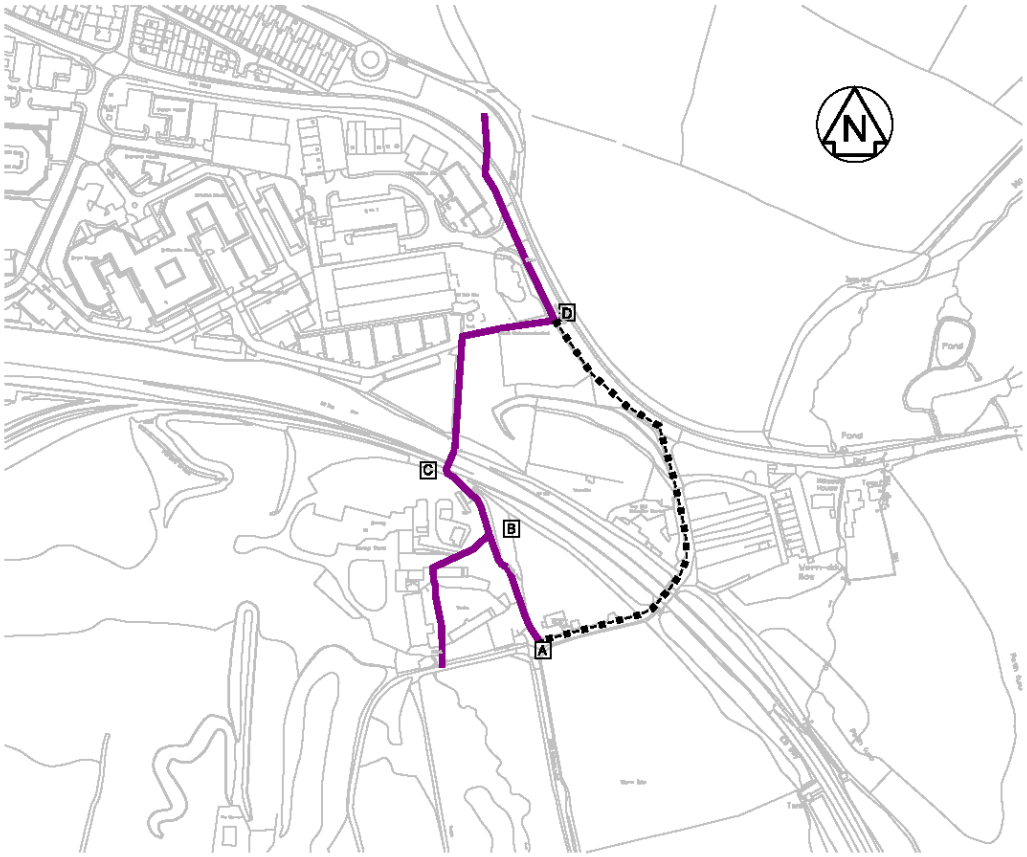
Designed	D.English	Signed	Designed by eSign	Date 22/03/24
Drawn	D.English	Signed	Drawn by eSign	Date 22/03/24
Checked	M.Gibson	Signed	Checked by eSign	Date 22/03/24
Approved	N.Seely	Signed	Approved by eSign	Date 22/03/24

Project: TRAN01 - CVL Transformation
Route Section Group: Route Section Group 5
Route Section: Rhymney Valley
Drawing Title: Werndu Public Footpath Crossing
Application S118 A Extinguishment Order
Werndu - Van FP4 Location Plan

TRAFNIDIAETH CYMRU
TRANSPORT FOR WALES
Amey
SEILWAITH
INFRASTRUCTURE

Alternative Reference:
Sheet:
Drawing Number: TRAN01-KAW-R5-RHY-DDR-Z-MF-000001
Revision: B01

Sheet Size A4 210 x 297



1 Sheet
1:5000

B01	21/03/24	First Version	DE	NS	MG
Rev	Date	Description of Revisions	Drawn	Chkd	Appr

Contractor(s): Amey Infrastructure Wales

Type	CAD drawings	Sub-Type	DDR
Role	Z	Sub-Role	MF
Zone	RHY	Plan of Work Stage	E
Authorised	N.Sealy	Signed	Authorised by eSign
		Date	21/03/24
Scale(s)	1:5000	ELR & Mileage	***M ***ch to ***M ***ch

Designed	D.English	Signed	Designed by eSign	Date 21/03/24
Drawn	D.English	Signed	Drawn by eSign	Date 21/03/24
Checked	N.Sealy	Signed	Checked by eSign	Date 21/03/24
Approved	M.Gibson	Signed	Approved by eSign	Date 21/03/24

Project: TRAN01 - CVL Transformation
Route Section Group: Route Section Group 5
Route Section: Rhymney Valley

Drawing Title: Werndu Public Footpath Crossing
Application S118 A Extinguishment Order
Alternative Route Plan 20/03/2024

TRAFNIDIAETH CYMRU
TRANSPORT FOR WALES

Amey
SEILWAITH
INFRASTRUCTURE

Status: Fit for Construction Approval	Suitability: S4
Alternative Reference	Sheet
Drawing Number: TRAN01-KAW-R5-RHY-DDR-Z-MF-000002	Revision: B01

Sheet Size A4 210 x 297

Penderfyniadau Cynllunio ac Amgylchedd Cymru
Planning & Environment Decisions Wales

Order Decision

by Vicki Hirst BA(Hons) PG Dip TP MA MRTPI an Inspector

appointed by the Welsh Ministers Date: 18.01.2024

Reference: CAS-02605-K3H0R2

Site address: Footpath 94, Caerphilly

- The Order is made under Section 118A of the Highways Act 1980 (the 1980 Act) and is known as the Rhondda Cynon Taf County Borough Council Highways Act 1980 Section 118A Rail Crossing Extinguishment Order Footpath 94 Caerphilly.
- The Order is dated 10 November 2022 and proposes to extinguish the public right of way shown on the Order Map and described in the Order schedule.
- There were numerous objections outstanding when Rhondda Cynon Taf County Borough Council (the Order Making Authority) submitted the Order to the Welsh Ministers.
- An unaccompanied site visit was carried out on 5 October 2023.

SUMMARY OF DECISION: THE ORDER IS CONFIRMED.

Procedural Matters

1. The Order arose from an application made in September 2020 by Transport for Wales to extinguish the part of Footpath 94 that crosses the railway line in Taffs Well (known as the Portobello Crossing) together with the length of path to the east of the level crossing terminating at Ffordd Bleddyn. The application was made in the interests of the safety of members of the public using the crossing.
2. The Order Making Authority (the OMA) considered the Order should be made in the interests of public safety and made the Order on 10 November 2022.
3. None of the parties requested a hearing or inquiry to present evidence in respect of the Order. I have therefore considered the case on the basis of the written representations forwarded to me.
4. It was evident on my site visit that the crossing was closed off and was unable to be used. Nonetheless, I am satisfied that I was able to observe the crossing sufficiently to reach a decision.

MAIN ISSUES

5. Before confirming the Order, I need to be satisfied that it is expedient to do so having regard to all the circumstances, and in particular to:
   - public safety;
   - whether it is reasonably practicable to make the crossing safe for use by the public; and
   - what arrangements have been made for ensuring that, if the Order is confirmed, any

appropriate barriers and signs are erected and maintained.

REASONS

Public Safety

6. When in use, the level crossing comprised self-closing wicket gates on either side with adjoining steel palisade and weld mesh fencing panels. Warning signs were located on both sides providing instructions and requirements for crossing the railway line. The surface of the crossing was anti-slip timber boarded. Whistle boards were also used in either direction of the crossing which were activated by the train drivers at a set distance from the crossing.
7. The railway comprises the main Cardiff to Merthyr passenger line and is a double track line. It forms part of the railway network that is planned for the South Wales Metro project which seeks to improve public transport connectivity and accessibility in the South Wales Area. The project includes new infrastructure to electrify this section of the railway line and which will support electrified rolling stock, a higher frequency of trains and improved infrastructure and journey times. I noted on my site visit that works had commenced in the vicinity of Taffs Well Station.
8. The crossing is situated within close proximity to both residential and industrial areas and occupies a relatively central position within the settlement of Taffs Well. It provides a link within the community between the western and eastern side of the settlement as well as providing access from the east to the town and retail centre. It is also a link in the Active Travel network.
9. Two risk assessments prepared by Network Rail (2017 and 2019) state the crossing is well used by an average of approximately 237 users per day, a quarter of whom are classified as vulnerable for the purposes of the risk assessment (ie dog walkers, children, mobility impaired, using a buggy or wheelchair). The crossing is also used 24 hours a day although mostly during daylight hours. The high level of use is corroborated by the representations received in respect of this application.
10. The risk assessments also identified that sight distances from the up-side point toward the up-direction approach are on the border line of being acceptable with some increased risk possible from unmanaged vegetation. The view of up line approaching trains is also obscured at two periods of the year due to sun glare from low sun and the crossing is unlit. Whilst the risk assessments find the whistle board mitigations are sufficient at present, should any changes to train type or speeds be carried out they recommend this should be reviewed. The crossing has a moderate incident record.
11. The assessments calculate the risk using the standard Network Rail All Level Crossing Risk Model (ALCRM) methodology. They conclude the risk to be level C for individual risk (based on probability of fatality per year for the individual crossing user and ranked from A-M with A being the highest risk) and level 2 for collective risk (based on the total harm at the crossing and ranked from 1-13 with 1 being the highest risk). The scoring attributes a high risk arising from using the crossing which is the second highest risk on the Core Valley Lines and the fifth highest risk in the whole of Wales. I have no reason to disagree with these findings.
12. As part of the modernisation, the number of trains over the crossing will increase from approximately 1 train every 5 minutes to 1 train every 2.5 minutes, effectively doubling the frequency of trains. In addition, there will be empty stock movements. Trains will also be quieter and will have improved acceleration resulting in a shorter decision time for those using the crossing.
13. Given the high risk level of the existing crossing, and the types and number of users on the crossing, the changes to the type and frequency of trains will inevitably represent a greater risk to those using the level crossing. Users of the crossing would have a very short period to make a decision before crossing and would not be alerted to trains as easily given their reduced noise and improved acceleration. I note the OMA are satisfied that the extinguishment is in the interests of

the safety of the public using, or likely to use the crossing. Taking all the evidence together, I am satisfied that extinguishment would be in the interests of the safety of the public and would remove users from danger on this crossing.

Whether it is reasonably practicable to make the crossing safe for use by the public

14. The submitted risk assessments recommend potential safety improvements to the crossing (as existing) in relation to lighting, more prominent signage, an audible warning system and the re-alignment of the view on the down-side approach. However, such measures were recommended in the context of the operation of trains prior to the modernisation project.

15. I have not been provided with a full risk assessment of the crossing post the modernisation although as set out above I acknowledge the greater risks to users following these works. I am satisfied on the evidence before me that alterations to the crossing itself such as increased audible warnings, signage, and other enhancements would not remedy the increased risk to users of the crossing with the changes to train frequency and type following electrification. The crossing is already a high risk crossing and I do not find that such measures would sufficiently address the safety risk to users of the crossing.

16. I am not satisfied that it is reasonably practicable to make the crossing safe for use by the public.

Whether it is expedient to confirm the Order having regard to all the circumstances

Other options at the Portobello Crossing

17. The earlier risk assessments identify the crossing for closure as part of the level crossing closure fund programme, and in 2017 it was recommended the crossing be closed through diversion to the station footbridge. Nevertheless, the 2017 assessment identified that closure through the installation of a footbridge should be considered in the event that a recommended permanent closure should fail. The later 2019 assessment is silent on the issue of a footbridge but does not recommend permanent closure. The notes suggest that, in a generic sense, consideration should be given to a long-term solution being closure of the level crossing and its replacement with a bridge.

18. The applicant states that replacement of the crossing with a footbridge would not be feasible due to the need to purchase additional land, as a result of challenges arising from the design, from impacts to adjacent properties, through the need for planning permission and due to the associated costs estimated at £2 million. The applicant states there is no budget for such works. In addition, it is stated that the provision of an underpass would present greater difficulties and a socially unacceptable enclosed tunnel.

19. Many of the alleged reasons for not pursuing a new bridge appear to be typical of matters that would need to be negotiated for numerous similar projects and are general processes to go through rather than specific constraints associated with this particular location and crossing. Nonetheless, from my own observations on site it was evident that the provision of a bridge with its associated ramps/steps would be difficult given the constraints of the land available. It would also be situated in very close proximity to the rear elevations and private gardens of a number of nearby residential properties on the western side of the railway. It is highly likely that the provision of a bridge would have an unacceptable impact on the occupiers of those properties. As such, and taking account of the representations in respect of the provision of a new bridge, I do not find this to be an acceptable solution. I also agree that the provision of an underpass would raise security concerns.

Other Crossing Points

20. I note that there are two other crossing points, one to the north and one at the station to the south. The applicant considers that these offer reasonable alternatives. I have been provided with details of the new bridge to be constructed at the station to the south and which will provide access for a wide range of users as, amongst other things, it will include lifts.

21. I walked the alternative route to the north (Tyrywen Footbridge) and the pedestrian access along the eastern side of the railway on my site visit. The bridge is accessed via flights of stairs and is therefore not suitable for the range of users identified as using the Portobello crossing. The access path is located between the railway and industrial units and is a narrow and enclosed pathway. It is currently not fit for use by those in wheelchairs or using mobility aids or pushing buggies. In my assessment, it is a rather intimidating and unattractive route.

22. The applicant states that improvements will be made to the bridge and access which would include alterations to the bridge surface, the provision of a cycle channel over the bridge and alterations to the access path, including lighting as required. Such measures would ensure greater access for a wider range of users. However, such works would not fully address access issues on the bridge itself for those with mobility difficulties or pushing buggies. Such users would, as set out above, need to use the station bridge, albeit requiring a longer journey.

23. The applicant contends that the alternative crossings entail relatively short extra distances. Whilst I note a large number of people use the Portobello crossing and the strength of feeling regarding its closure, the alternative crossing points would be available for use. I observed on my site visit that whilst the use of these would require travelling a longer distance for some users and would not be such a direct route to services in the town centre, the alternative crossings would offer safer alternatives to the existing level crossing. I do not find the distances involved to be unreasonable given the overall benefits to the safety of those crossing the railway.

24. I conclude there would be a negligible effect on users in losing the crossing due to the availability of other alternatives.

Public Sector Equality Duty

25. I have had regard to the public sector equality duty (PSED) that is placed on all public authorities by the Equality Act 2010 (the Equality Act). It is evident from both the applicant's submission and the representations received that a number of users of the crossing have protected characteristics as a result of their age or disability. Whilst I have not been provided with an Equality Impact Assessment or similar, it is evident the applicant has taken account of vulnerable users through the findings of the surveys of those using the crossing and by seeking to provide an alternative means of crossing the railway that is accessible for those with protected characteristics.

26. In any event, the duty to have regard to the PSED now falls to me as the decision maker. In fulfilling that duty, I have had due regard to the need to enable equality of opportunity, eliminate discrimination and foster good relations between those with and without protected characteristics as set out in Section 149 of the Equality Act.

27. The closure of the crossing would inevitably remove a level crossing point that is currently accessible for those with disabilities. It would also result in the elderly and disabled having to travel further to cross the railway at the alternative crossing points and at less convenient locations. For those with mobility issues, it would necessitate having to walk to the station to use the lifts at the new bridge.

28. Nonetheless, it is evident that one of the main reasons for concern over the existing crossing is due to the safety of users, with vulnerable users being of particular concern. I have found above that the provision of a footbridge or underpass to facilitate access would not be a feasible solution at this location.

29. The new bridge at the station would offer an acceptable crossing point for those with protected characteristics such as those with disabilities. Furthermore, the proposed alterations to the Tyrywen crossing would improve access for the elderly and disabled at this location. Whilst I acknowledge that both crossings would be less convenient for some users, the removal of the Portobello crossing would also improve their safety which, even at present, is bordering on being acceptable in safety terms. In weighing these matters and having due regard to the requirements of Section 149 of the Equality Act, I am satisfied that the closure of the crossing would not have a

disproportionate negative effect on those with protected characteristics.

Arrangements for temporary barriers and signs to be erected and maintained

30. The Order includes a provision that the railway operator shall defray any expenses that the authority may incur in the erection or maintenance of barriers and signs. As such, I am satisfied that the necessary arrangements are in place.

CONCLUSIONS

31. I have taken into account all other matters raised but find none that alter the above conclusions. Taking account of all matters, I find it expedient to close the crossing given its safety risk, the difficulties of making it safe or providing a bridge or underpass and the availability of alternative crossing points which make provision for those with protected characteristics. I conclude the Order should be confirmed.

32. In reaching my decision I have taken into account the requirements of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015. I consider this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives as required by section 8 of that Act.

FORMAL DECISION

33. I confirm the Order.

VK Hirst

INSPECTOR