

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

THE NETWORK RAIL (TACKLEY LEVEL CROSSING) ORDER

PROOF OF IAN ASTON

TACKLEY LEVEL CROSSING

21 May 2024

1 INTRODUCTION AND STATEMENT OF EXPERIENCE

- 1.1 My name is Ian Aston. I am employed by Network Rail Infrastructure Limited (**Network Rail**) as a Route Level Crossing Manager. My role as Route Level Crossing Manager began in October 2023 and consists of managing the team of Level Crossing Managers on Western Route. Western Route is part of one of the 5 Network Rail devolved regions – Wales and Western Region – and is responsible for the rail infrastructure between London Paddington – Penzance, up to the boundaries with Wales, Worcester and Basingstoke. My primary duties include ensuring that the Level Crossing Team deliver compliance on risk assessments and asset inspections.
- 1.2 Prior to holding the role of Route Level Crossing Manager, I was the Level Crossing Manager for the Thames Valley East area on Western Route between 2019-2023. Tackley Level Crossing fell within my area of responsibility, and my duties included routine inspection, minor maintenance, and risk assessments. I am an affiliate member of the Chartered Institute of Railway Operators and hold a National Examination Board in Occupational Safety and Health (NEBOSH) National General Certificate in Occupational Safety and Health.
- 1.3 I append a number of documents to this Proof, each labelled as **[IA1]** etc. which can be found in Appendices document **[NR-W7-2]**.

2 INVOLVEMENT WITH THE SCHEME, SCOPE OF EVIDENCE AND STRUCTURE OF THIS STATEMENT

- 2.1 I have been involved with Tackley Level Crossing since becoming the Level Crossing Manager for the area in 2019. Following the crossing's temporary closure in April 2020, I have been less involved as the primary function of the Route Level Crossing Team is risk management. Since the crossing has been temporarily closed, there has been nil risk to manage. I was also responsible for the erection of the temporary and permanent signage at the crossing's location and on approaches, advising users on the station, at the crossing, and on the approaches to the crossing that the bridleway is currently closed under TTRO, and that pedestrian and cyclist access was available over the temporary footbridge.
- 2.2 The scope of my Proof of Evidence covers the assessment by Network Rail of the safety and risk at the Tackley level crossing and the justification for the proposed permanent closure.
- 2.3 In this Statement I set out:
- a the Scheme and the proposed permanent closure of the Tackley level crossing;
 - b risk of level crossings;
 - c detailed description of the Tackley level crossing;

- d current risk assessment of the Tackley level crossing; and
- e responses to objections and representations received in relation to the Scheme.

3 SCHEME

- 3.1 The Scheme is described in detail in Anna Holbrook's Proof of Evidence [NR-W1-1] and includes the permanent closure of Tackley Level Crossing.
- 3.2 The Order is being sought to deliver the Scheme which had originally been intended to form part of the "Wider Programme", to comprise strategic railway improvements, to involve a series of signalling and stations enhancements, to increase capacity and journey flexibility and allow for an additional freight train paths. In addition to the closure of the Tackley Level Crossing, this had been intended to include the closure of Sandy Lane and Yarnton Lane level crossings, also in Oxfordshire. The closure of Sandy Lane and Yarnton Lane crossings has now been deferred to beyond the end of Control Period 7 (2024-2029). Great Western Railway (GWR), however, still holds aspirations to increase the frequency of the Banbury-Oxford service, pending interim mitigations being introduced at these two level crossings.
- 3.3 Tackley level crossing (**Crossing**) is located south of Tackley Station on the Didcot-Chester Line (**DCL**) at 72 miles 47 chains. As well as providing level access to the Station's eastern platform from the village, and between platforms 1 and 2, the Crossing provides access over the railway for a public bridleway (379/2/10) (marked with a green solid line on the Land and Rights of Way Plans [APP7] (**Existing Bridleway**)). The Existing Bridleway passes over the Crossing to join with Nethercote Road (between points Z1 and Z2 on the Land and Rights of Way Plans).
- 3.4 The Crossing has been closed under a Temporary Traffic Regulation Order since April 2020 due to a fatality in 2008 and a number of recent near misses involving pedestrians. A near miss is categorised as either the train driver having to apply their emergency brakes to take the only 'avoiding' action they have available to them, or the incident being so close they did not have time to apply them. Any near miss is a closely avoided collision.
- 3.5 Since then, a temporary stepped footbridge has been constructed to the northern end of the station to allow users of the railway to cross between the platforms. The footbridge is also accessible to members of the public walking the Existing Bridleway, and a cycle trough has been included to aid cyclists to push their bikes thereover, in order to cross over the railway and to continue along the Existing Bridleway. It is not suitable, however, for equestrian users or those who cannot negotiate steps.

4 DETAILED DESCRIPTION OF TACKLEY LEVEL CROSSING

- 4.1 The daily average number of train services passing over the Crossing, is 114 trains. This includes stopping and non-stopping passenger services, scheduled freight trains but does not include any unscheduled trains, or engineering trains. Trains can pass each other in the vicinity of the Crossing on the two-track railway, which has a line speed of 90 mph in both directions. Non-stopping, non-freight trains can and do pass over the crossing at 90mph – in both directions.

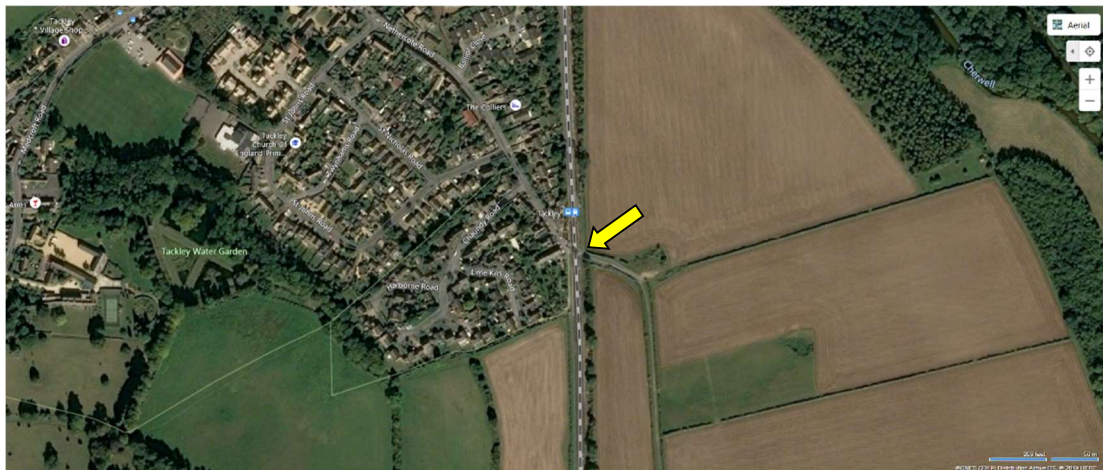


Figure 1: Bing Maps extract showing location of Tackley level crossing

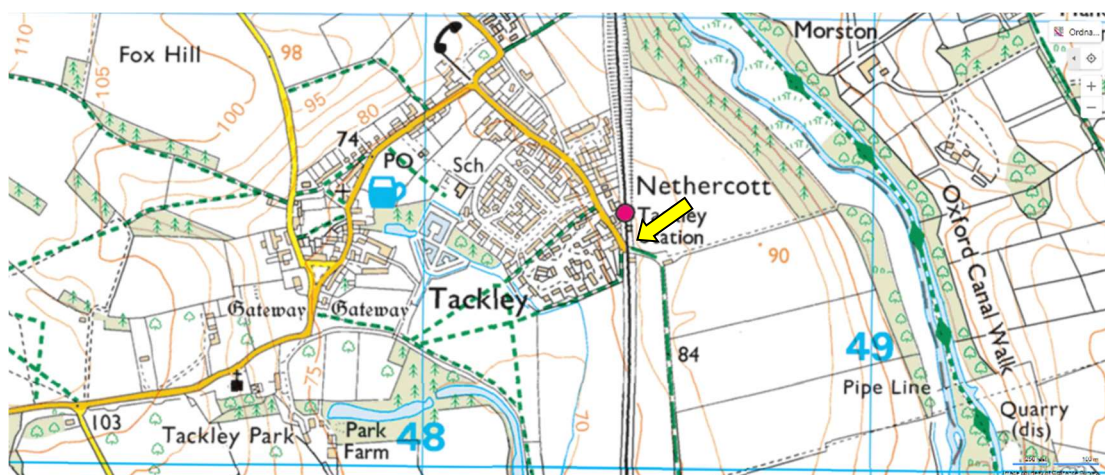


Figure 2: Ordnance Survey Map showing location of Tackley level crossing

- 4.2 The Crossing consists of two steel brideway gates in the lineside boundary fence, leading onto a rubber decking, and has a good and even surface profile throughout. Telephones are installed and enabled equestrian users to contact the signal box to confirm whether to cross, with signage instructing them to do so.
- 4.3 The Crossing is known as a passive crossing. This means that the user receives no active warning of an approaching train and therefore must make their own decision whether or not to cross. The Crossing is also known as an unprotected crossing, which means that it is not protected from train movements and therefore trains can traverse, whether or not it is clear
- 4.4 In that the Crossing is equipped with whistle boards – which are typically used to sound warning to users of a passive level crossing that a train is approaching, where sighting of approaching trains is restricted – they cannot be located at a distance (exceeding the guided maximum of 400m, set by the Office of Rail and Road (**ORR**)) from the Crossing in respect of down direction trains, as to enable them to sound warning to vulnerable and encumbered users of the Crossing. I discuss below, the concepts of vulnerable and encumbered users. Albeit the required sighting distances for non-vulnerable users is achievable in all directions, the sighting distance for vulnerable users cannot be achieved from the down (west) side looking towards a down direction (northbound) train's approach. In any event, whistle Boards are also not a reliable means of alerting crossing users. The variability in specific train classes horns, the driver input as to when exactly they blow the whistle, and environmental factors such as weather, can all impact on the efficacy of this warning method. Network Rail's long-term strategy is to upgrade all level crossings that are reliant on whistle boards for compliance to an active warning method,

such as miniature stop lights. The reasons, however, why this is not appropriate at the Crossing are discussed below.

4.5 Whistle boards and telephones do not constitute an active warning.

4.6 The western approach from the village, on the “Down” side of the railway, is metalled as shown in Figure 3 below and the bridleway leading to the eastern “Up” side gate is a rural path as shown in Figure 4.



Figure 3: Western approach to Tackley Level Crossing (taken in November 2019)



Figure 4: Eastern approach to Tackley Level Crossing (taken in November 2019)

5 THE RISK OF LEVEL CROSSINGS

5.1 The Proof of Evidence of Jerry Greenwood [NR-W8-1] outlines the risk of level crossings on the network and the policy, guidance and standards of the ORR and of Network Rail, together with the statutory framework that governs level crossing safety, in addition to the promotion of operational efficiency.

6 RISKS AT TACKLEY LEVEL CROSSING

6.1 The Crossing is currently temporarily closed under a Temporary Traffic Regulation Order (TTRO) [IA8] following a fatality in 2008 and serious near-miss events. Closed on 28 April 2020, it is considered high risk. It is in the top 10% for risk of the 545 level crossings on the Western

Route (being the route from London Paddington to Penzance, through Bristol and up to the boundaries with Wales).

6.2 The main types of risk associated with the Crossing are as follows:

- a Non-compliant warnings for vulnerable users
- b Users demonstrating poor behaviours at the crossing (either mistakenly or deliberately);
- c Being the sole means of transferring between the two platforms;
- d Horse riders and associated risks;
- e Intrinsic risks:
 - (i) High volume of trains
 - (ii) Extreme variation in train speeds; and
 - (iii) 'Hidden trains';
- f Wider behavioural norms;
 - (i) Behavioural norms; and
 - (ii) Challenges for users to see approaching trains.

6.3 Non-compliant warnings for vulnerable users The Crossing relies on a user to actively stop, look and listen for approaching trains before deciding whether it is safe to cross (known as the decision point). Network Rail Standard NR/L2/XNG/30020/R03 **[IA1]** clause 4.6 3-4 sets out the minimum distances required for decision points at bridleway level crossings.

6.4 The minimum decision point for a bridleway crossing is specified as being 3m for riders/users in charge of animals. However, due to the presence of telephones and signs instructing all riders/users in charge of animals to contact the signaller, thereby removing any decision making from equestrian users, the sighting requirement has been calculated using the pedestrian decision point of 2.1m/2.4m. The minimum required decision point for a footpath crossing (or at a bridleway when considering pedestrian users) is 2m, however at the Crossing due to the position of the gates, it was deemed likely by Network Rail that the gate point is the point at which a user will make their decision whether to cross. The risk remains to those users who do not comply with this instruction.

6.5 The decision point and the traverse lengths for the Crossing are calculated as:

	Decision point (m)	Traverse length (m)	Measured from
Up side	2.1	9.1	Gate
Down side	2.4	9.4	Gate

6.6 The decision point was measured at this point as the most likely position for a user to make their decision as to whether to cross.

6.7 Sighting of approaching trains is generally good, from either crossing gate, with over 600m of sightline in three directions. However, at the "Down-side" decision point, looking toward a down direction train's approach, the sighting was only 453 metres. A vulnerable user requires 11.86 seconds to cross in safety, at 90mph (40.2336m/s) this requires a minimum sighting of 477

metres. This is calculated by taking the standard 'non-vulnerable' pedestrian user's required sighting requirement and adding 50% to the requirement, as per Network Rail standard practices. The "Down-side" sighting was therefore not sufficient for vulnerable users.

- 6.8 In addition, whistle boards provided for the approach of trains, were set at a distance of approximately 400 metres to give a warning of around 9 seconds. Although this was suitable for non-vulnerable users of the Crossing, it was not sufficient for vulnerable users, who would need at least 11.86 seconds to cross safely. It can therefore give a vulnerable user the impression they have time to cross the rails in safety, if a horn is not heard prior to making the decision to cross. Whistle boards also rely on the train driver sounding the train horn; some drivers have been known not to 'sound up' and some pedestrians with hearing difficulties may also not hear the horn.
- 6.9 Children, or those with limited mobility, who may see other users cross in front of an approaching train may therefore believe that they also have time to cross. Children were known to congregate at Tackley Station and around the Crossing and were not aware for their own safety.

User behaviour

- 6.10 Tackley Level Crossing has historically been a site of relatively high user misuse (when compared to other crossings on Western Route), whether deliberate misuse or accidental human error.
- 6.11 User misuse is categorised as any instance in which a user of a Crossing does not observe safety requirements at the Crossing, but in the case of passive crossings (as defined in paragraph 4.3) such as the Crossing, can only be reported if witnessed and reported by other members of the public, railway staff who happen to be at the location at the time, or the drivers of approaching trains. Misuse encompasses deliberate acts of misuse and also inadvertent human behaviour.
- 6.12 Examples of misuse which is deliberate include where the user crosses in front of a train when it is in sight, wearing headphones, hooded clothing, or using a mobile telephone while crossing, propping gates open, loitering on or about the crossing, not telephoning the signaller back after being instructed to do so after crossing, and leaving the telephones off the hook. This list is by no means exhaustive.
- 6.13 Most of these examples of misuse have been observed at the Crossing.
- 6.14 Crossing in front of a train when it is in sight carries inherently high risks. Trains may not be approaching at the same speed and so a user may have less time than they believe when they decide to cross as the approaching train is travelling much faster than initially thought.
- 6.15 Wearing headphones or hooded clothing while traversing a level crossing has a significant detrimental impact on the user's awareness of their surroundings, particularly at a passive crossing where the onus is on the user to stop, look, listen, and make their decision to cross. Both hooded tops and headphones decrease the efficacy of whistle boards, which, while not required for non-vulnerable users' compliance, they nonetheless can provide a critical additional warning to users that a train is approaching.
- 6.16 Using a mobile telephone, whether for a phone call or looking at the screen, while crossing has similar detrimental effects to the situational awareness of the user as wearing a hooded top or wearing headphones, though the effects can be more extreme as users can be fixated on looking at their mobile device and travelling on 'auto-pilot', they may not even realise the level crossing and inherent dangers. Being involved in a telephone conversation while approaching

and traversing the crossing also introduces significant distraction, and the effects can be exacerbated depending on the nature of the phone call being undertaken.

- 6.17 Propping gates open, either for those who may be following, or to quicken one's own crossing procedure on the return journey, carries with it significant risks. An open gate is an invitation, and so those users who are less risk aware and may be following others can wander straight through the open gate and into the live railway environment. The gates at the Crossing are self-closing, however at other crossings on the network gates have been propped open by users, particularly through the COVID-19 pandemic, presumably in an effort to avoid the spread of the virus by touching the 'high touch points' on the gates. An open gate reported at a crossing by railway staff or a driver will also cause the next train through the area to be cautioned in case there is an unwitting user on the tracks, and with that cautioning comes the potential operational impact described in 6.19 below.
- 6.18 Loitering on or about the crossing carries significant risks, not least due to the perceived familiarity imparted onto the loiterers while doing this, and the misplaced relaxed attitude that follows, which has no place in the railway environment for those untrained, or even railway staff. Behaviour of this sort leads to repeat offenders becoming comfortable with the environment they are trespassing in, and a train can easily 'sneak up' on an unwitting trespasser. Modern trains continue to be faster and quieter than those which they replace, making this phenomenon of a train sneaking up on a user more likely.
- 6.19 When a user requests permission to cross from the signaller, the signaller may ask for a call back from the other side of the crossing to confirm the user is clear of the line. If the user fails to call back, the signaller must assume that they are stuck on the crossing and that it is not clear and safe for the passage of trains. The signaller must then stop the next train through the area at a signal and instruct the driver to proceed at caution through the affected area. To 'proceed at caution', as defined in Rule Book Module TW1 GERT8000-TW1 **[IA2]** means the driver "must, as well as not exceeding any specified speed, proceed at a speed which takes account of conditions (such as the distance they can see to be clear), that will allow them to stop the train short of any train, vehicle or other obstruction, or the end of their movement authority." In railway terms, and in the context of Tackley and the DCL, the end of a movement authority means a signal showing danger. This leads to inevitable delay to services with potentially far-reaching knock-on effects. For example, if a heavy and slow to brake or slow to accelerate 775m long freight train is cautioned over the crossing, it can take minutes for it to stop at the preceding signal, traverse the crossing at caution, and accelerate back up to its permitted line speed. A fast Inter-City train following behind it will see knock on delays from this, as will the train behind that, and the train behind that.
- 6.20 Leaving the telephones off the hook leads to operational delays as described above, as the signaller must assume that either someone is at the crossing attempting to call, or that someone who wishes to call will not be able to as the opposite phone is off the hook.

Being the sole means of transferring between the two platforms

- 6.21 Tackley level crossing is notable in that the crossing is the sole means of accessing the up-direction platform from Tackley village to the west of the railway. It is unique in that it is the only crossing in the UK with such an arrangement to also carry a public bridleway.
- 6.22 Being the sole means of accessing the alternative platform means that any train passenger approaching from the village wishing to travel towards Oxford must cross the live railway. The same is true for the reverse.

- 6.23 This introduces significant risk, as any passenger who may be running late for their train may 'throw caution to the wind' and not demonstrate proper care and attention when crossing the railway. As Tackley sees more than 100 trains per day, this introduces the real and present possibility that a user may cross recklessly to catch a train, putting themselves in the path of an down-direction train as they do so. The variability in train speeds also contributes to this risk, as a slow-moving long freight train may take longer to clear the crossing in the down direction than the dwell time (the time the train is stationary allowing passengers to embark or alight) of the passenger train in the up platform, thus creating the potential for users to rush ahead of an approaching train, even when they know it is approaching.
- 6.24 MSLs, or any other type of technological risk mitigation solution, do not sufficiently control this risk.

Horse riders and associated risks

- 6.25 Horse riders are at particular risk when using level crossings due to the unpredictability of animal behaviour. Coupling this with at times questionable behaviour on the part of the rider, and the risk is increased further.
- 6.26 Telephones are provided at Tackley level crossing for the convenience and safety of equestrians however, the telephones are only as good as the user who uses them. The evidence gathered during the period when an attendant was present at Tackley level crossing (22/10/2019 – 28/04/2020) shows that on one particular occasion, five riders (three adults and two children) crossed the railway with horses without contacting the signaller before doing so. This was despite the presence of a member of railway staff at the crossing.
- 6.27 A horse, whether ridden or led, and regardless of how much or what training it may have received, can cause significant distraction to users using the crossing.
- 6.28 The telephones are provided to ensure a horse and its rider need not be exposed to this danger. Deliberate misuse, like that referenced above, imports significant risk not only to the horse and rider, but also to the train driver and passengers, given that a horse has the potential to derail a train.
- 6.29 The incident of misuse referenced above at paragraph 6.26 was only reported via the attendant as they were there and witnessed it. As stated previously, misuse at passive crossings can only ever be reported if witnessed, therefore potentially these riders, and others, have been placing themselves at extreme and unnecessary risk on numerous occasions when there is no need to have done so.
- 6.30 In fact, there is evidence to show that during the attendant's census period used for the Impact Assessment Report (IAR) **[IA3]**, broadly half of the crossings involving horses did not have a corresponding telephone call to the signaller.

High Volume of Trains

- 6.31 The Crossing is located on the DCL, which is a key strategic freight route of national importance, as well as being the key link between the cities of Oxford and the Banbury for passenger services.
- 6.32 As such, the crossing experiences a high level of train traverses per day –, as calculated by me, taking an average weekday train usage between 29/04/2024 – 03/05/2024. ALCRM shows the national average number of trains per day over open footpath and bridleway crossings to be 72.

- 6.33 With this high volume of trains comes elevated risk. Users who witness a train traversing over the crossing on their approach may assume that, given the quite rural location, another train cannot possibly be due for a while and therefore reduce their vigilance on approach to the crossing and assume that it will be safe for them to cross, therefore not taking proper care to stop, look, and listen for approaching trains before deciding to cross.

Variation in train speeds

- 6.34 Of the average weekday 114 trains that traverse the Crossing, non-stopping passenger trains travel at the line speed of 90mph; but local commuter trains stop at the station and are therefore at a much lower speed, either accelerating or decelerating in their approach to the Crossing. In addition, freight trains travel at different speeds up to a maximum of 75mph. Trains are timetabled to run for 24 hours per day.
- 6.35 The variation in train speeds is a major factor that has been shown to commonly lead to hazardous confusion of users of level crossings, as there can be a large variation of time between the slower freight train and the faster InterCity trains reaching a level crossing. This is the case at the Crossing where the variation in speed can be up to 50mph. When a user sees a freight train approaching whilst stood at the decision point, and decides to wait until it has passed, it can take significantly longer than a faster train to pass. Occurrences like this are known to lead to instances of user impatience, which then leads to misuse of a level crossing.
- 6.36 The slow train seen advancing does therefore tempt an impatient user to run out in front of it, trying to beat it, rather than to wait for it to clear – especially when looking head-on towards an advancing train when it is not easy to judge its speed. A user can easily mistake a fast-moving train as a slower train, and instantly decide to cross; but then realise it is approaching much faster than first thought and has no time to reach a point of safety.

Hidden trains / Another Train Coming

- 6.37 The possibility of more than one train approaching a level crossing simultaneously can create the phenomenon of obscured 'Hidden Trains': a train can effectively 'hide' the approach of a second train for several seconds, approaching the crossing from the opposite direction. The first train also masks the sound of the second train, so it is not seen or heard by a level crossing user.
- 6.38 The risk of hidden trains increases where the first train approaching is a longer train or a train travelling at relatively slow speed, especially where a user has seen it approaching, waited for it to pass, but then crosses as soon as it passes directly into the path of a second train, approaching from the opposite direction. Traversing immediately behind the first train, unwittingly into the path of a second on the opposite line, is a common factor in fatalities on passive crossings especially at station passenger crossings where speeds can be so variable. A station passenger crossing is defined as a level crossing which provides a means of access between the platforms. It may or may not be the sole means of access – for example there may be a bridge also provided, with the station footpath crossing remaining for use by users unable to use the bridge. Station passenger crossings normally carry a public right of way.
- 6.39 Station passenger crossings should not be confused with a station barrow crossing. At a barrow crossing, railway staff (normally station staff) must accompany a user over the crossing, normally after telephoning the signaller to confirm it is safe to do so. Passengers or members of the public are not permitted to use a barrow crossing unaccompanied. Barrow crossings therefore normally do not carry a public right of way.

- 6.40 At station passenger crossings, high-risk scenarios can arise when a train is stationary in the platform. A stationary train in the closest platform to the crossing user can block the sight of a second train coming on the adjacent line, or, a train stationary in the platform can divert a crossing user's attention away from the adjacent line.
- 6.41 A stationary train in the platform is what is believed to have led to the near miss incident that was one of the incidents that lead to the TTRO being made at the Crossing. The current understanding of the incident, which is highly likely to occur again if reopened for public use, is as follows:
- a The train stopped at platform 2 (the up platform) and some passengers alighted. They made their way off the end of the platform towards the level crossing and proceeded to cross in front of the train which was now ready to leave the station;
 - b It is presumed that they were preoccupied at watching this train rather than looking in the opposite direction and proceeded to walk across the rails directly in front of a second train travelling on the other line in the opposite direction that they had neither seen nor heard;
 - c They were clear of the line less than 2 seconds before the second train arrived at the level crossing travelling at line speed. The train driver had applied the emergency brakes which slowed the train sufficiently to avoid collision.

Behavioural Norms

- 6.42 In recent years, the normalisation of smart devices and other such 'connected' technology has resulted in changes to user behaviour witnessed at crossings. Some of these behaviours have been touched upon in paragraphs 6.8 – 6.18.
- 6.43 The world we inhabit is ever accelerating, and the public, largely, do not exhibit the patience which will have been the norm some years ago. The effect of this is profound and increases risk at crossings across the railway network, as the public's 'willingness to wait' is lowered.
- 6.44 Users of level crossings across the network have demonstrated that an approaching train is, at times, seen as an inconvenience. This phenomenon is particularly evident at road crossings where the barrier down time, and therefore the road closure time, can be multiple minutes, but this has also been seen to be a noticeable phenomenon at footpath, bridleway, and user worked crossings.
- 6.45 It is perhaps the case that unwillingness to wait, or inconvenience to the users, is what led to the five horse riders referenced above not following the clear safety instructions at the Crossing.

Obstructions

- 6.46 There are also known obstructions that could make it difficult for users to see approaching trains. The assessor has measured sighting from 3m, 2.4m, 2.1m and 2m away from the nearest rail and there is sufficient sighting at all these points. However, a high number of passengers standing on the platforms could cause a restriction of sighting to approaching trains.
- 6.47 There are known issues with foliage, fog or other issues that might impair visibility of the crossing, crossing equipment or approaching trains. Vegetation management is a key factor in managing the sighting at level crossings and the vegetation along this stretch of track had recently been cut back by 8 metres each side allowing for optimal sighting. This is part of an ongoing maintenance program.

7 REQUIREMENTS OF CURRENT RISK ASSESSMENT

- 7.1 The methodology for carrying out risk assessments on Network Rail level crossings is set out in the Proof of Evidence of Jerry Greenwood [NR-W8-1].
- 7.2 The usual risk assessment process includes both a quantitative risk assessment, driven by a site visit to collect data and inputting captured data into ALCRM; and a qualitative risk assessment which takes the form of a Narrative Risk Assessment (**NRA**). ALCRM takes the information input to it and calculates a risk score and FWI, based on factors such as but not limited to number of trains, number of users, available sighting distance, current additional protection methods, and environmental factors. ALCRM will then generate the IAR or NRA, which must be completed by the assessor to contain at a minimum: information automatically extracted from ALCRM; enhanced qualitative narrative to greater articulate the risks present and support decision making; conclusions relating to the management of risk in the interim, short and long term; and evidence of risk control option(s) identified, those being progressed and those identified for future progression.
- 7.3 When calculating theoretical risk increases introduced by a timetable change, a development in the vicinity of a crossing or crossings, or when modelling theoretical risk introduced by any other means (in this case, if the crossing were to be open today instead of temporarily closed), Network Rail produces an Impact Assessment Report (**IAR**) which allows for a wider scope of options, or multiple crossings, or multiple developments, for examples, to be assessed within one document.
- 7.4 . An NRA in 2019 (**2019 NRA**) [IA4] was undertaken in response to the near miss incident detailed above, which led to the temporary closure of the Crossing. Details of this near miss, and the other incidents reported in the twelve months prior to the 2019 NRA are detailed below.

Event Date	Description	Narrative Text
2019-10-16	LC near miss – 1S52 (1347 Southampton Central – Edinburgh Waverley) reported a near miss at Tackley UW Crossing with two elderly ladies	At 1539 the driver of 1S52, CrossCountry, (1347 Southampton Central – Edinburgh Waverley) reported a near miss at Tackley Level Crossing with two elderly ladies and their trolley bags. The driver, who applied the emergency, advised that the train had missed the individuals by approximately 40 feet. It was thought that the ladies had alighted from 2V45, Great Western Railway, (1507 Banbury – Didcot Parkway). The driver was fit to continue.
2019-07-27	LC misuse – 2V29 (11:08 Banbury – Didcot PW) reported that while at a stand at Tackley, a young female walked across Tackley UWC in front of the train in an attempt to get on the train	The driver of 2V29 (11:08 Banbury – Didcot PW) reported that while at a stand at Tackley, a young female walked across Tackley Level Crossing in front of the train in an attempt to get on the train. The driver remonstrated with the person and refused travel. It was not declared a near miss and the driver was fit to continue.
2019-06-14	LC Near miss – 2V23 (0937 Banbury – Didcot Parkway) reported a near miss at Tackley UWC with two members of the public.	At 0958 the driver of 2V23 (0937 Banbury – Didcot Parkway) reported a near miss at Tackley UWC with two members of the public. One of the persons motioned to the driver to stop. The driver was shaken by the incident but fit to continue to Oxford where they had booked relief. The BT Police were advised. A Mobile Operations Manager attended and reported that signage and sighting was in order, but found that the telephones were not working correctly. The Mobile Operations Manager remained on site until S&T staff were able to rectify the fault by replacing the affected telephones, completed by 1420.

2019-06-06	LC misuse – Phone left off the hook after a crossing user used Tackley BW & FP Level Crossing	TVSC Oxford signaller advised that that the phone had been left off the hook after a crossing user used Tackley BW & FP Level Crossing. The driver of 1M34 (0845 Bournemouth – Manchester Picc) was asked to replace the phone. No further issues reported.
2019-05-21	LC misuse – A cyclist crossed over in front 2V35 (12:34 Banbury to Didcot Parkway) at Tackley Level Crossing	The driver working 2V35 (12:34 Banbury to Didcot Parkway) reported deliberate crossing misuse at Tackley Level Crossing whilst at Tackley station on the up main Cherwell line. The driver has reported a cyclist crossed over in front of the train but did not classify this as a near miss. The only description given by the driver was a man had been dressed in black Lycra. The driver was fit to continue with the signaller running normally. Didcot S&T advises both telephones tested with no issues, all signage correct and intact with no sighting issues found
2019-04-06	LC misuse – 2V61 (1908 Banbury – Didcot PW) reported that as the train pulled into Tackley a male ran across the station crossing in order to catch the train.	The driver of 2V61 (1908 Banbury – Didcot PW) reported that as the train pulled into Tackley Station a male ran across the station crossing in order to catch the train. The driver did not declare the incident a near miss and confirmed that the male had boarded the train.
2018-11-01	LC near miss – 1M42 (10:45 Bournemouth – Manchester) reported a very near miss with 2 youths on Tackley UWC.	The driver of 1M42 (10:45 Bournemouth – Manchester) reported a very near miss with 2 children on Tackley Level Crossing. The driver was shaken but able to continue. The driver of 2V35 (12:34 Banbury – Didcot), which was stationary in Tackley station at the time, reported that there is now nobody at the crossing, but believed that the two children got on his train. The MOM confirmed that the crossing signage was all correct and both phones were working properly. The train was met at Oxford by BTP however due to number of people leaving, the two suspects managed to leave the station before police could stop them. On viewing the CCTV it was confirmed that neither were children but young adults around the age of 20.

7.5 Following the near miss in October 2019, and at the express and immediate direction of the Western Route Director, Network Rail appointed an attendant at the Crossing until such time as closure could be achieved, as the storied incident history led to the firm belief that another fatality similar to that in 2008 was soon inevitable. The Crossing was closed in April 2020 following the successful opening of a temporary footbridge to allow users to traverse the railway (and which remains in place).

7.6 Further incidents of misuse were recorded after the near miss on 16/10/2019, despite the presence of a railway staff member on site, advising users on how to use the Crossing. These can therefore be categorised as deliberate misuse:

Event Date	Description	Narrative Text
2020-03-31	LC Misuse – 5x horse riders crossed the Tackley 1 (W) LC without contacting the controlling Signaller.	The Level Crossing Manager reported Level Crossing misuse, Watchman reported 5x horse riders (3 adults and 2 children) crossed the Tackley 1 (W) LC without contacting the controlling Signaller. The Watchman contacted the Level Crossing Manager who reported the misuse to the BTP. The Crossing Manager inspected the Crossing last week and confirmed as of then the signage was present and intact, and the sighting was clear visibility was good. The Oxford MOM was informed and was asked to check the Crossing again. At 13:01 the Oxford MOM reported signage was clear and present, all phones were working correctly to the controlling Signaller.

2020-02-08	LC misuse – Crossing user with horse at Tackley LC had failed to replace the phone correctly	The signaller reported that a crossing user with horse at Tackley LC had failed to replace the phone correctly, causing it to continually ring in. The driver of 1O10 secured the phone on the cradle.
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7.7 A complete misuse history detailing all the incidents recorded at the crossing since the fatality in 2008 is provided in the IAR 2024 [IA3].

7.8 The options considered in the 2019 NRA included:

i. **Closure by footbridge, underpass, or statutory diversion**

This would see the Crossing closed by constructing a level separated route e.g. a bridge or subway for users to cross the railway or would have seen the public right of way diverted to take an alternative route which does not cross the railway at grade i.e. not over a level crossing. This is the option that was identified as the preferred route in the 2019 NRA, specifically an underpass. Due to technical and financial constraints (details of which are set out in full in the Proof of Mr Willson), this has been amended to the current Scheme This has since changed somewhat into the current Scheme, which provides for the construction of a for pedestrian users and a bridleway diversion for equestrian, cycle, and pedestrian users.

ii. **Installing a footbridge and remotely locking gates at Tackley level crossing for bridleway users**

This was a novel option which would have seen the pedestrian users of the crossing diverted over a footbridge, while retaining the level crossing for bridleway users as an on-demand remotely lockable crossing. This option was discounted due to the inherent risks associated with locking gates, as well as the local opposition to the footbridge present at the time. It also would not have seen the total removal of level crossing risk, which would have been a pre-requisite for the monetary spend required for any sort of level-separated-route construction.

iii. **Installing Integrated Miniature Stop Lights (MSLs)**

This option was rejected due to the scale of the project required to make this a reality, and therefore the costs involved, while still retaining level crossing risk. An MSL system provides users of the Crossing with an active warning of an approaching train, in the form of lights and audible alarms. While MSL is technically feasible at this location, the residual risk is significantly present in ways that ALCRM cannot assign a numerical value to. The key risk is that MSLs still require users to understand and obey the indications, and at station passenger crossings across the network this has been evident. MSLs at station crossings carry risks that MSLs at other locations do not, in part due to user behaviour. For example, users may take a red light to be related to a stationary train in the platform, then cross behind or ahead of the train into the path of another train coming on the adjacent line. This is exacerbated by the general station location meaning that users could be rushing to catch a train, and therefore take risks they might not otherwise. It is known that 'hidden train' or 'another train coming' risk has been a significant factor in many of the incidents seen at the Crossing, and the MSLs would not make the material change required to address this risk.

iv. **Installing Overlay Miniature Stop Lights (OMSLs)**

This option was rejected on the ground of technical feasibility. OMSLs work independently of the signalling system, hence the term 'Overlay', and therefore require clear approaches between the 'strike-in' points (the point at which, when the train arrives, the level crossing activates the active warning to the user) and the crossing itself. If there is a junction, or a set of points, within the strike-in (in the distance between the strike-in and the crossing), the system cannot work. This is because the train may be set on a diverging route at the points, and therefore not reach the crossing at all, or reach the crossing on an adjacent line thereby confusing the system. Additionally, if there is a station within the strike in, the crossing may time out and go into 'dark mode' where no lights are shown to the user, as the train will not 'strike out' in good time, causing the crossing to enter the dark mode state. Tackley has both a station and two sets of points to the north of the station within the strike in for down direction trains, meaning this overlay technology is not suitable at this location.

v. Interfaced Overlay MSL (Flex)

Since the 2019 NRA was written, new technology known as Interfaced Overlay MSL (Flex) has been developed and is currently on working trial. This is further explored in the IAR. This technology can cope with a station within the strike-in, but cannot cope with points within the strike in. For this reason, the Interfaced Overlay MSL is also not suitable at this location.

vi. Re-wording the non-standard signage already present at the crossing

This option was recommended for implementation, but due to the attendant being at the Crossing and the impending temporary closure was never implemented.

- 7.9 Any MSL system while an improvement to the current safety mitigations cannot and will not prevent a user misusing the crossing and placing themselves at great risk of being struck by a train. Station passenger crossings should have a minimum warning time of 40 seconds (NR/L2/SIG/11201/ModX40 Clause 9.1.1 **[IA5]**), however this figure is applicable to trains running straight through at line speed. Due to the large variance in train traffic types that traverse this line, slower freight trains or stopping trains will introduce significant variance in the warning times provided. This creates the real possibility of impatience from users, particularly when the Crossing is the sole means of accessing the other platform, and that a user will cross in front of a stationary train at the platform potentially into the path of another moving train, not taking proper account of the risk they are putting themselves in.
- 7.10 Since the 2019 NRA, Network Rail has explored multiple options for closure of the Crossing which are outlined below and in further detail in Network Rail's Statement of Case at Table 3:

i. **Equestrian Subway**

This would have seen the Crossing closed by the construction of a subway near the site of the Crossing, capable of taking mounted equestrians and cyclists, and pedestrians. This option was deemed unviable due to the significant financial and engineering challenges, which would have seen major disruption to the railway and local area.



ii. **In-Field Route**

This option saw a bridleway diversion implemented through the field to the south-west of the crossing, which would have cut the field in two and dramatically affected the potential uses for this land. In order to accept this route, the landowner concerned, who also owns the land to the south-east of the Crossing (where the existing bridleway leads) required the existing bridleway be stopped up at its southern point to allow them to make full use of the field. The clear consensus was that there would be significant opposition to the existing bridleway being stopped up, so this option was discounted.



iii. **Western In-Field Route**

This option saw the bridleway diverted to the far west of the field to the south-west of the Crossing, no longer splitting the field in two. However, it was found that there were significant engineering difficulties, flood risks, and ongoing maintenance concerns with this route, plus the cost of making the new bridleway good was deemed excessive.



iv. **Barwood Bridge.**

Also known as the developer bridge, this would have seen a new bridle bridge constructed 300m north of Tackley station, diverting the existing bridleway north and past the station to meet it. This option was discounted as unviable as the proximity of it to the station meant that the ramps required would not be suitable for disabled access, while at the same time it was too far away from the station to act as a convenient method of transferring between the platforms, being approximately a 1km walk. This meant that for the Barwood Bridge to be considered, a secondary bridge at the station would need to be constructed as well, meaning the cost to the taxpayer was too great to further consider this option.



v. **Northern Route**

This option would have seen the bridleway diverted on the Crossing's east side circa 1.2km north to an existing bridge, then use the existing bridleway and public road network to create a circular route to the Crossing's west gate. The total route was calculated at approximately 3.2km, which Network Rail did not deem a suitable or convenient length of diversion. Further to this, there were significant challenges in clearing the route, flood risk, and a second landowner would have had to have been involved, who did not respond to Network Rail's attempts to open discussions in 2022. Therefore, additional compulsory purchase powers would have been required, and it was felt the case for this was not strong enough to proceed with. As such, this option was discounted.



- 7.11 The alternatives to closure, namely retaining the bridleway crossing as an on-demand remotely lockable gate, MSL installation, and signage re-wording were not satisfactory as they were not reasonably practicable to deliver nor did they address the key risk drivers at the Crossing, for the reasons explained in paragraph 7.4. ii-v above.
- 7.12 There are potentially other, small mitigations that could be implemented at this location but they will not sufficiently mitigate the significant risks posed at Tackley. These mitigations include installing stud lighting on the decking, painting the Crossing decking yellow, installing CCTV monitoring, installing tactile thresholds, installing cattle-cum-trespass guards. These are discussed further in the IAR.
- 7.13 The conclusion of the modelling in the IAR is that even if all available mitigations were cumulatively implemented, the specific risks at the Crossing by virtue of it being a station passenger crossing as well as a bridleway would not be suitably mitigated.
- 7.14 The elimination of risk by closing crossings is always the preferred option, but is of course not always possible. Network Rail therefore introduces risk mitigation measures where reasonably practicable to do so, following its business as usual Cost-Benefit-Analysis process (further explained in the IAR). The Crossing is significant in that none of the available risk mitigation measures, either individually or cumulatively sufficiently address the most significant risks it

poses. The incident history shows that a high volume of incidents occurs at the crossing, with multiple near misses in the 12 months prior to closure.

7.15 If the Crossing were to re-open, it must be assumed that the behavioural pattern of its' users will recommence, and the risk of collision is significant as outlined above.

7.16 Therefore, the only solution to sufficiently mitigate against the risks posed by the Crossing is its closure.

8 IMPACT ASSESSMENT REPORT

8.1 I have produced the IAR [IA3] to assess the risks at the crossing, hypothetically considering it to be open today. This supersedes the 2019 NRA as the most up-to-date risk assessment for the Crossing. A new NRA was not suitable for this purpose as the current risk at the Crossing is M13, as it is closed under the TTRO. M13 is defined as nil risk. The normal NRA process considers current risk at the crossing, which would be nil, therefore an IAR which allows for greater scope of optioneering and a more theoretical basis was chosen.

8.2 The IAR uses the latest data available including the census carried out by the attendants stationed at the Crossing prior to its closure and a train count taken in April 2024, it uses current best practices including the Gross Disproportionality Factor as part of the Cost Benefit Analysis process (further explained in the IAR) and current costs, and it is bolstered by an additional 5-years of maturity both in Network Rail practice and the assessor myself.

8.3 The IAR explores all possible mitigation measures again and provides a conclusion broadly consistent with the 2019 NRA: that closure is the only suitable course of action to mitigate risks to so far as is reasonably practicable.

9 BENEFITS OF CLOSURE

9.1 My colleague Jerry Greenwood addresses the policy outline of the benefits of safety, but in brief, and where it pertains most specifically to level crossing safety I will provide an outline of the policy documents below.

9.2 Level crossings represent the highest single risk on the railway network, being 6% of all risk areas (excluding suicide and trespass). Network Rail is committed to eliminating unacceptable safety risk and accidental fatalities at its level crossings. This is a Government-promoted and endorsed policy.

9.3 A key element of Network Rail's policy on level crossings, to close level crossings where possible, is reflected in the ORR "Principles for managing level crossing safety" published on 15th July 2021 [IA6] which presents principles set around a risk-based approach focusing on the interface of users, railway, and highway.

9.4 Network Rail's primary level crossing policy is set out in 'Enhancing Level Crossing Safety 2019-2029' [IA7]. The first line in the document's introduction sets out that only way to eliminate risk at crossings is by closure, even if it sometimes means a detrimental effect to the communities they serve.

9.5 The closure of the Crossing will not, in fact, detrimentally affect the community it serves overall. It will provide multiple benefits to the users of the station, to the users of the Crossing, and to the residents of Tackley.

- 9.6 Users of the station will benefit from the closure of the Crossing and the Scheme in multiple ways:
- a All risks posed by the level crossing to station passengers are eliminated.
 - b Rail passengers wishing to catch or alight the train at Tackley Station will be provided with a safe, pleasant route between the platforms, and will no longer need to cross the railway at grade, i.e., over the level crossing.
 - c Future aspirations for line speed increases through this key railway route are unlocked, allowing for faster journey times to major conurbations.
- 9.7 If MSLs were installed, this would potentially cause disturbance to the residents of Tackley who live in proximity to the crossing, as the green light shown whenever a train is not approaching, to inform users that it is safe to cross, would always illuminate Nethercote Road for a significant length except when the red light shows. When the red light shows, whenever a train is approaching and it is not safe to cross, the audible alarms would also be sounding for a minimum 40 seconds on the approach of each train, 24 hours a day. Closure of the crossing removes this disturbance.
- 9.8 The closure allows for the whistle boards previously installed at the Crossing until its closure to remain removed. If the Crossing was opened, consideration would be given to re-instating the whistle boards in addition to the MSLs, which would see the reintroduction of every train blowing it's horn as it approaches the crossing.
- 9.9 The rail network will benefit (and has been benefitting since the TTRO) presently from the permanent closure in multiple ways.
- 9.10 Permanent closure will allow for safety risk and operational efficiency improvements, through what is a key rail route. Up until the date of closure, the Crossing was the subject of a significant level of misuse. The Crossing is separately non-compliant by way of an insufficient warning time for vulnerable and encumbered users when stood on the down (west) side of the crossing looking at a northbound train's approach. The Crossing cannot be made compliant while also lowering risks so far as is reasonably practicable, and any potential increase to line speed in the future would exacerbate this non-compliance.
- 9.11 Closure will also allow for a reduced cost of maintenance and routine activities. The Network Rail Cost-Benefit Analysis tool, used to assess the quantitative benefits of a risk mitigation against the costs of its' implementation, uses a standard cost benefit for maintenance and operations for closure of a crossing of £16,000 per annum. This takes into account routine maintenance activities, such as replacing gates, removing the Crossing surface for on-track machinery to pass through, inspection, vegetation clearance, and risk assessments. This saving can then be used to improve safety at or explore emerging closure opportunities at other level crossings on the route.
- 9.12 The rail network can be confident that, in the face of both a historic misuse and accident record and an emerging increase in near miss and high potential incidents, the correct course of action was taken.
- 9.13 The closure of a level crossing is one of the most consequential actions Network Rail can take in the pursuit of improving safety on the rail network. The successful closure of a crossing removes a point at which the public are permitted or have a right across the railway, at grade, which as stated previously is the single highest risk on the railway network.

- 9.14 Whilst level crossing closure is not always possible, in some cases the risks posed by the continued existence of a crossing are simply too great, and action must be taken. This is one such case. Factors including the non-compliance of the Crossing for vulnerable and encumbered users, and the incident history here through deliberate or accidental misuse shows, amongst other factors, that the using public are placed at an intolerably high risk.

10 OBJECTIONS AND REPRESENTATIONS

- 10.1 In this section I summarise and respond to objections lodged in relation to the proposed Order, so far as those objections relate to matters within my expertise and remain outstanding at the date of this Statement.
- 10.2 A number of objections were raised on the ground that alternative options to the New Bridleway and closure of the Crossing have not been adequately consulted on or have not been fully considered by Network Rail (for example: OBJ02, OBJ04, OBJ07, OBJ11, OBJ12, OBJ13, OBJ10, OBJ20, OBJ21, OBJ24, OBJ28, OBJ37, OBJ40, OBJ42, OBJ43, OBJ48, OBJ49, OBJ50, OBJ51, OBJ60, OBJ63, OBJ64, OBJ65, OBJ67, OBJ68, OBJ70, OBJ71 OBJ73).
- 10.3 Alternatives and the consultation process are considered in full in the Proof of Evidence of Mr Willson [NR-W5-1].
- 10.4 I briefly respond to the alternatives as well, from a safety perspective, below in paragraphs 10.23-10.27.
- 10.5 The key objections I feel I am best placed to respond to are listed in the table below

Reference	Party Details	Grounds of Objection
OBJ/25	Alexandra Machin	Mitigate risks of level crossing by having additional adults there to supervise
OBJ/62	A M Crocker	Proposal to move the existing signal control box further south to increase the space available and intention for Network Rail to take landowner land to avoid signal control box
OBJ/65	Cycling UK	Lack of consideration for upgrading the crossing
OBJ/70	Andrew Charles Peake	Location/safety of the proposed new bridleway
OBJ/51	Byways and Bridleways Trust	- Safety concerns with existing bridleway arise from youth antisocial behaviour rather than bridleway users, proposed bridleway more dangerous due to proximity to lines - Safety concerns arising from the location of the new bridleway adjacent to the railway
OBJ/60	British Horse Society	
OBJ/63	Tackley Parish Council	
OBJ/52	Alexandra Machin (Bicester and Warden Hill Pony Club)	
	Malcolm Ridout	
OBJ/1		
OBJ/51	Byways and Bridleways Trust	Alternative routes
OBJ/60	British Horse Society	- Alternative routes suggested – not sufficiently addressed by Network Rail - Preferred route across Tackley Estate – minimal works required and would be public bridleway
OBJ/63	Tackley Parish Council	

OBJ/52	Alexandra Machin (Bicester and Warden Hill Pony Club)	• Network Rail not engaged in discussions re alternative options • Memorandum of Understanding between Network Rail and IPRO not followed
OBJ/1	Malcolm Ridout	

Mitigate Risks by having additional adults there to supervise

- 10.6 The objector states that the existing bridleway across the railway was low risk, safe, and usable. The Crossing, when used correctly by horse riders, i.e. telephoning the signaller and obtaining permission to cross, was indeed safe. However, horse riders are not the only users that Network Rail need to consider when assessing risk at the Crossing. The Crossing has been assessed to be unsafe for multiple user types, with no mitigation measures available to make it safe.
- 10.7 I have provided evidence that there are numerous reports of horse riders not telephoning the signaller for permission to traverse. As stated earlier in my Proof of Evidence, reports of this type of misuse can only be made if someone witnesses the misuse. Further to this the census information gathered by the attendant identified multiple crossings by horse riders that did not have a corroborating phone call logged by the signaller.
- 10.8 The objector also states that there have been no reported horse incidents with a level crossing. I am unsure whether they refer to Tackley specifically or level crossings generally, but in any case, the evidence shown I have provided categorically disproves this – there have been multiple incidents of misuse at the Crossing by horse riders. Notably, an incident in March 2020 whereby 3 adults and 2 children crossed with horses without telephoning the signaller.
- 10.9 One of the solutions offered by the objector – having additional adults at the Crossing to mitigate the risks – does not hold weight. While this may be a suitable mitigation that a club, or any group of users can choose to implement using the mitigations provided at the Crossing for that specific traverse, it does nothing to mitigate against the risks posed to others.
- 10.10 As stated above, when horse riders use the crossing correctly and follow the signage, it is safe to use. The evidence shows, however, that this is not the routine method of how the crossing is used by horse riders. Of the crossings made by horse riders while the attendant was on site counting users, only approximately half had accompanying phone calls recorded at the signalling centre. The crossing, therefore, is not safe for horse riders. Network Rail has a duty to manage safety at the crossing, and when deliberate misuse is identified to this extent, Network Rail can be left with no choice but to take action.
- 10.11 Network Rail has a duty to consider all users when assessing the risks at the Crossing, and the risks posed to pedestrians and other leisure users, station users, cyclists, and equestrians as a whole, are unacceptable at the Crossing and cannot be reduced so far as is reasonably practicable by any means other than closure of the Crossing.

Move the existing signal control box further south

- 10.12 Moving the District Network Operator (DNO) electric supply cabinet has negative implications for available sighting of approaching trains from the Crossing should it remain open. The DNO cabinet is located circa 65m from the decision point, so depending on the location it was moved to, could reduce sighting from the down side decision point of down direction trains approaching to as low as 65m. This would be far below the required sighting distance for any type of user.

- 10.13 Even if MSLs were installed, it is preferable to maintain as much sighting as is possible as some users of MSL crossings still choose to look for themselves for approaching trains, having a misplaced distrust in the system.
- 10.14 In fact, it is the case that numerous interventions have been undertaken at the crossing in order to maximise the available sighting from the decision points, the current location of the DNO cabinet being one of these. As Stated in Network Rail's Statement of Case, the complexities involved with the moving of the DNO electricity supply cabinet, and the asset integrity issues this is likely to introduce due to the necessity of jointed cables, means that the decision has been taken not to move the DNO cabinet. Network Rail's proposal does not alter or affect the physicality of the existing Right of Way in any way, as any changes in Network Rail's proposals take effect south of this DNO cabinet. The Right of Way is currently used by equestrians and cyclists despite its' designation as a footpath, and Network Rail's proposals will see this length of footpath upgraded to bridleway status.

Lack of consideration for upgrading the crossing

- 10.15 Upgradation of the Crossing has been robustly scoped by Network Rail with the conclusion being reached that the installation of a Miniature Stop Light system would be seen as a negative step and would not reduce risks so far as is reasonably practicable.
- 10.16 The 'Overlay' technologies referred to by the objector are not feasible at the Crossing, and while there is a technically feasible solution in the form of Integrated MSL the variance in warning times presented to users along with the still extant and evidenced misuse at the Crossing mean that any Miniature Stop Light system does not sufficiently mitigate the site specific risks.
- 10.17 The Overlay technologies require simple rail approaches – meaning in basic terms no junctions, crossovers, stations, or no (or one, specifically risk assessed) signals on the approach.
- 10.18 Since the document the objector refers to was written, there have been developments in Overlay technologies which allow for one signal within each strike in, and in some bespoke cases, a station on the approach.
- 10.19 Feasibility studies show that the enhanced overlay technology, known as Interfaced Overlay (in that it has an interface with the signalling system) still cannot meet the technical requirements demanded by the Crossing's location.
- 10.20 Supplementary audible warning devices can only be installed as an addition to an existing whistle board solution – hence the term supplementary. As the Whistle Boards are not and cannot be placed far enough away from the Crossing to give sufficient warning for vulnerable users, a supplementary audible warning device cannot be installed here either.
- 10.21 The IAR explores all options for upgrading the crossing, describes the technical suitability or unsuitability in greater detail than above, and assesses the benefits and disbenefits each mitigation would introduce. It then concludes through accepted, standard practices and with sound reasoning why closure is the preferred option.

Location/Safety of the proposed new bridleway

- 10.22 In my opinion, the proposed bridleway is in no way a more dangerous route than the existing route across the Crossing. Network Rail has provided telephones at the Crossing for equestrians to use, yet evidence shows multiple occasions over an extended period of time of equestrians not telephoning the signaller and crossing the railway without knowledge of the safety of the line. If a train was to approach while these riders were on the railway, the

consequences could be catastrophic – a horse has the potential to derail a train, and if the train was travelling northwards, the train could be derailed into the station platforms and / or funnelled into the path of another train on the adjacent line.

- 10.23 The consequences of an incident like this happening frankly don't bear thinking about, and I cannot accept that the proposed route which eliminates this possibility altogether can possibly be considered less safe than the current route.

Alternative routes

- 10.24 The alternative and indeed preferred routes that have been suggested by objectors have been considered robustly by Network Rail and deemed unfavourable for several reasons, including but not limited to and in various combinations depending on the individual suggestion cost, complexity, safety, and maintainability.
- 10.25 The proposed route meets the objectives of the order, enabling the closure of Tackley level crossing and provided safe and suitable alternative routes for all user types.
- 10.26 On the consideration of alternative options to the Crossing, this has already been considered. In my view, there is a compelling case for the closure of the Crossing due to the complete elimination of current and future risk, the BCR as set out in the IAR determining that the proposed option makes the best business sense both now and when considering future rail service improvements, and that the alternatives to be provided by Network Rail are safe, maintain accessibility, and improve the Public Rights of Way network
- 10.27 Closing the Crossing and installing appropriate alternatives with the footbridge and bridleway diversion, is the only way to fully eradicate any future risk to users by removing direct access to the live railway.
- 10.28 As the level crossing was also used as a station passenger crossing to access the platforms, an enhancement, such as Miniature Stop Lights, is seen as a negative step and would not address Network Rail's safety concerns and strategic goals of reducing safety risk to the public, as well as promoting operational efficiency. Providing a footbridge at the station will allow safe access between the two platforms, as opposed to the station passenger crossing.

11 CONCLUSION

- 11.1 Network Rail is committed to reducing the risk on the railway and has identified that one of its greatest public risks is at level crossings. This is where the railway has a direct interface with other elements such as vehicles and/or pedestrians. Network Rail is working to reduce this risk to as low a level as is reasonably practicable. At the Crossing, we have concluded that the level crossing must be closed.
- 11.2 Part of reducing the overall risk is to consider wherever possible closure (eliminating the risk entirely) or, if closure is not possible, then to consider other ways of reducing the level of risk at individual crossings.
- 11.3 It is evidenced in my Proof of Evidence and supporting documentation that there are no ways of reducing the level of risk, both quantitatively and qualitatively, at the Crossing to a level which would be acceptable both holistically, and in the context of Network Rail's legal obligation to reduce risk so far as is reasonably practicable.
- 11.4 Therefore, it remains that the only suitable method to control risks to the public is to confirm the closure of the Crossing.

12 WITNESS DECLARATION

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

A handwritten signature in black ink, appearing to read 'Ian Aston', with a stylized flourish at the end.

IAN ASTON

Dated: 21 May 2024