

Network Rail (Tackley Level Crossing) Order 20[]

Statement of Common Ground

OBJ60 – British Horse Society

1. Purpose of this document

- 1.1. This Statement of Common Ground (**SoCG**) has been prepared in respect of the proposed Network Rail (Tackley Level Crossing) Order 20[] (**Order**) applied for by Network Rail Infrastructure Limited (**Network Rail**) under the Transport and Works Act 1992.
- 1.2. This SoCG has been produced to assist the Inspector ahead of the public inquiry due to commence on 18 June 2024 by confirming the main issues under discussion between the parties to it and the position of the parties on each issue.
- 1.3. This SoCG does not seek to replicate information which is available elsewhere within the Order documents. All documents are available at the inquiry website <https://gateleyhamer-pi.com/en-gb/tackley-level-crossing/>

2. Parties to this Statement of Common Ground

- 2.1. This SoCG has been prepared by (1) Network Rail and (2) the British Horse Society (**BHS**).
- 2.2. Collectively, Network Rail and BHS are referred to as 'the parties'.

3. Terminology

- 3.1. The terms used in this SoCG are defined as follows:
 - 3.1.1. "**1992 Act**" – Transport and Works Act 1992;
 - 3.1.2. "**Barwood Bridge**" – Route as set out in the Proof of Evidence of Andy Willson [**NR-W5-1**] and James Audley [**NR-W2-1**];
 - 3.1.3. "**Existing Bridleway**" – Bridleway 379/2/10 located to the east of the railway;
 - 3.1.4. "**New Bridleway**" – New bridleway to the west of the Existing Bridleway (marked with a pink dashed line on the Land and Rights of Way Plans [**APP7**]; and
 - 3.1.5. "**Northern Route**" – Route as set out in the Proof of Evidence of Andy Willson [**NR-W5-1**] and James Audley [**NR-W2-1**].

Issue	Network Rail's position	BHS's position	Status: Agreed / Under Discussion
The need for the proposed Order	A reasonable alternative to the stopped-up section of the Existing Bridleway has been provided in the New Bridleway and the Existing Bridleway will be otherwise retained.	It is not opposed to the closure of the crossing for the purposes of increasing capacity and reducing misuse by passengers, so long as a satisfactory alternative route is provided for riders and other users. The BHS does not consider the proposed alternative to be "reasonable".	
	Horse riders are at particular risk when using level crossings due to the unpredictability of animal behaviour. 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 was used by horse riders prior to its closure. The crossing, therefore, is not safe for horse riders and Network Rail has acted accordingly.	The level crossing is considered to be safe for equestrian users. There have been no near-miss incidents with horses, ridden or led, using the bridleway. Extinguishing the bridleway at the crossing may be viewed as disproportionate to the risk to the bridleway users.	
Adequacy of consultation	Significant efforts have been made by Network Rail to engage with the horse-riding community as well as other local stakeholders as is evidenced by the Proof of Evidence of James Audley [NR-W2-1]. It is considered that the consultation undertaken is more than adequate.	There has been engagement with Network Rail over the last five years but it has been insufficient or lacking. Network Rail has not taken account of the views or preferences of users of the Existing Bridleway. Network Rail has made decisions of which interested parties were unaware leading to grievance and loss of confidence with the process.	
Memorandum of understanding	Network Rail have followed the intent of the Memorandum of Understanding between Network Rail and IPRO.	The protocol set out in the Memorandum of Understanding has not been adopted in this case.	
Suitability of proposed bridleway for all users	Network Rail considers that the New Bridleway is suitable for all users, including pedestrians, cyclists and equestrians (see the Proof of Mr Lane [NR-W6-1]).	Whilst the proposed New Bridleway provides the shortest deviation and a hard surface, it is lacking in amenity value and suitability which should be given far greater weight than shortest distance between two points. BHS does not believe the suitability test to be met, nor that the	

		<p>'convenience' of a hard surface is desirable or suitable in this instance.</p> <p>People on foot or cycle are equally disadvantaged by the poor amenity value of the bare new route and being close to the noise, pollution and apparent threat of the adjacent railway.</p>	
Suitable and convenient test	The New Bridleway is a suitable and convenient alternative to the Existing Bridleway for all users as it replicates the existing journey, it is of an equivalent distance and it is satisfactory to the Highway Authority. The test does not include consideration of the enjoyment to be derived from a particular right of way.	In this instance an existing, well-established, well-used and well-loved public asset is being destroyed and replaced by a low quality alternative which is neither suitable nor convenient.	
Amenity value	<p>With regards to the amenity value arising from the surfacing of the New Bridleway, following advice from its equestrian expert, Network Rail considers that the New Bridleway will not have the same feel for equestrians as a normal road.</p> <p>What is proposed still retains a high amenity value for equestrians. The Existing Bridleway will be retained and will be linked to the New Bridleway to the south meaning that riders can continue to ride along the Existing Bridleway and gain pleasure from this use.</p>	<p>The Existing Bridleway provided far higher amenity value in terms of nature and biodiversity.</p> <p>No great enjoyment can be had from riding to a fixed point or dead end, then turning round and retracing ones steps. This represents a fundamental misunderstanding, on the part of Network Rail, of public use and enjoyment of the wider countryside.</p> <p>Network Rail are using public funds to destroy a valuable countryside asset and replace it with a substandard alternative</p>	
Safety implications for use of the proposed bridleway with horses	<p>Following the advice of its equestrian expert, Network Rail considers that the location of the New Bridleway is safe for equestrian users whose horses have been familiarised with trains.</p> <p>Although trains will be passing on an embankment and therefore at a height above any horse on the New</p>	<p>The risks posed by the New Bridleway come from its length by the railway, its width and enclosure by fences, the threatening effect of trains at head height, the lack of any mature tree or shrub screen, the proposed surface of the road, and that a rider is unlikely to be able to avoid passing trains while lineside.</p> <p>Network Rail and presumably their expert are missing the point. The comparison need to be made between the</p>	

	Bridleway, this height difference is not expected to have any material effect on how a horse would react.	existing and proposed routes. The proposed alternative is of lower and poorer quality. The “it will do” type attitude that is being adopted should not be supported. The public have a right to expect a good quality alternative which equals if not improves upon the existing route	
Main alternative options	The equestrian subway (referred to in SOC-OBJ-52 as Option A) presented significant engineering and environmental challenges and unjustifiably high cost to the taxpayer.	It is agreed that Option A is not feasible in this location.	
	<p>A number of alternative options to the New Bridleway have been appropriately scoped by Network Rail, however these were either not suitable, would adversely affect landowners or would adversely affect the local community. The alternative routes proposed by the BHS are not considered to be materially safer than the New Bridleway, albeit they may be of greater amenity for equestrians. They also do not provide any accessibility benefits for equestrian users over and above the New Bridleway.</p> <p>The alternative options would also require bridleway users to use the same 60m alongside the railway line as the New Bridleway which would carry the same risk as using the whole of the proposed New Bridleway</p>	<p>Various options have been discussed with Network Rail. Landowner support exists for the preferred option of the BHS.</p> <p>The BHS disagrees that the 60m length of the alternative routes that would run lineside poses the same level of risk. Being only 6% of the length of the New Bridleway, it would be much easier for riders to mitigate the risk by timing their use of the section to avoid passing trains.</p>	
	The Barwood Bridge route (referred to in SOC-OBJ-052 as Option B) was considered inappropriate due to the distance from Tackley station necessitating the construction of two bridges, increasing costs.	Option B would have been a suitable alternative providing local improvement through a new link into Nethercott and parking facility for station users.	

	<p>The Northern Route (referred to in SOC-OBJ-52 as Option C) was considered inappropriate due to the length of the alternative bridleway route and the potential need to utilise compulsory purchase powers. There were also engineering issues and would require a separate bridge or subway for station users.</p>	<p>Option C would have been a suitable alternative and its new link to bridleways over a wider area would mitigate the lower convenience.</p>	
	<p>The In-Field Route (referred to in SOC-OBJ-52 as Option D) was discounted due to the adverse impact on the landowner and the requirement of the landowner to stop up the Existing Bridleway which would adversely affect the local community.</p>	<p>Option D is the preferred route for BHS as has the least impact on land use and provides a convenient route away from the railway.</p> <p>The landowner has indicated its willingness to accept the In-Field Route. The value of the Existing bridleway as a cul-de-sac is negligible in the absence of a right of way continuing over the new bridge.</p>	
	<p>The Western In-Field Route (referred to in SOC-OBJ-52 as Option E) was determined to be inappropriate due to engineering constraints.</p>	<p>Option E is acceptable to BHS. It requires more complex works but would be convenient to users.</p>	
<p>Impact of potential withdrawal of the permissive footpath access over the proposed stepped Footbridge</p>	<p>Network Rail is incapable of dedicating the permissive footpath due to interference with the statutory purpose of the land. This route is on a permissive basis only which Network Rail is willing to allow to ensure connectivity with Tackley village.</p> <p>Network Rail would only withdraw the permissive route if it were appropriate for operational purposes. Given its permissive status, if it needed to be withdrawn due to operational need, Network Rail could do so without having to resort to a statutory process.</p>	<p>People on foot or cycle are also compromised by the failure to provide a crossing at the station by right. The bridleway will be retained as a dead end to provide access for them to the station, but their continuation across the station is by permission only, which may be withdrawn at any time should Network Rail's management of the station change.</p> <p>The BHS does not accept there is any statutory incompatibility in the dedication of the route over the proposed bridge as a right of way. NR frequently provides such bridges and it would be straightforward to separate</p>	

		<p>the bridge from the operation platform through the positioning of barriers if necessary. If there is a statutory incompatibility as Network Rail suggest, then it is odd that they are willing to accept the increased liability (compared to a public right of way) attached to a permissive path, where they are inviting public access.</p> <p>There are many instances where it has been proved that there is no statutory incompatibility of a public right of way running over a footbridge or similar structure.</p>	
Surfacing of the New Bridleway	<p>Following the advice of its equestrian expert, the surface is considered to be a suitable slip resistant surface to ride horses at walk and trot. The surface will not have a similar feel for equestrians as normal road. While a turf surface is better for cantering, what is proposed is considered to retain a high amenity value for equestrians and is less slippery than a metalled road.</p>	<p>Turning rural unsurfaced bridleways into cycle roads opposed by the BHS who consider the practice as detrimental to the rights of those who prefer the unsealed surface.</p> <p>The proposed surface (5m track with hard loose stones surface) which is not suitable or convenient for equestrian use; it can be uncomfortable and potentially injurious for horses.</p> <p>If no vehicular use is required, it would be possible to provide a suitable natural surface more appropriate for equestrian use over part of the width.</p>	
	<p>The New Bridleway will be designated as bridleway under the Order. That will not allow vehicular access. Network Rail is not taking any private rights of vehicular access along the length of the New Bridleway. Some vehicular access may be necessary during construction only prior to the opening of the New Bridleway.</p>	<p>The width and proposed surface of the route tends to indicate that some level of vehicular access is envisaged but NR has not made this clear.</p>	
Lineside equestrian routes elsewhere	<p>There are numerous examples of bridleways running adjacent to railways around the country. These are sufficient similar in the way that they bring riders and</p>	<p>The BHS does not consider that bridleways running alongside a rail line are inherently unsafe and each route should be assessed on a case-by-case basis.</p>	

	<p>railways together on a bridleway as to show why riders on a horse familiarised with trains should be able to use the New Bridleway in safety.</p>	<p>The coincidence of bridleways alongside railways elsewhere in the country is opposed as a justification for the New Bridleway. There is a particularly significant difference between long-existing routes or the creation of new routes alongside a railway.</p> <p>Many of the cases cited by Network Rail are not comparable to the situation at Tackley where a well-established and well-used route distant from the line is being replaced by the New Bridleway. No usage levels have been established for any of NR's comparators.</p>	<div></div> <div></div>
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