Network Rail (Tackley Level Crossing) Order 20[ ]

Statement of Common Ground

OBJ52 Alexandra Machin

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) Ms Alexandra Machin (**Ms Machin**).

2.2. Collectively, Network Rail and Mr Peake are referred to as 'the parties'.

3. Terminology

3.1. The terms used in this SoCG are defined as follows:

3.1.1. **"Existing Bridleway"** – Bridleway 379/2/10 located to the east of the railway;

3.1.2. **"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

3.1.3. "**OCC**" - Oxfordshire County Council.

Issue	Network Rail's position	Ms Machin's position	Status
The need for the proposed Order	There is an imperative need to close the level crossing on safety grounds.	It is understood that the level crossing needs to be closed for safety reasons.	
	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 incidents with equestrians whether ridden or foot at this level crossing; all incidents and near misses were from passengers across the line.	
Existing Bridleway	Although the Existing Bridleway was farther from the railway, the Existing Bridleway required use of the Tackley Level Crossing, which was not safe for equestrian (or other) users.	The Existing Bridleway was sufficiently far from the railway so as not to present a risk to users. The Level Crossing was safe for equestrian users.	
Alternative right of way	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.	A safe alternative route has not been provided.	
Adequacy of consultation	Significant efforts have been made by Network Rail to engage with the horse-riding community through regular engagement with the British Horse Society as is evidenced by the Proof of Evidence of James Audley **[NR-W2-1]**.	There was no attempt to engage with the riding community through local Riding Clubs, Pony Clubs and the British Horse Society.	

	Network Rail regularly consulted with OCC in their capacity as Highway Authority, including regular meetings with their public rights of way officers.	OCC has not been consulted.	
	The consultation undertaken is adequate and details are set out in the Consultation Report and Proofs of Mr Audley and Ms Holbrook.	The consultation materials are inaccurate and do not contain sufficient detail with regards to the costings of the alternative options. Other options to the closure of the level crossing are not set out in any detail or at all. The schematic diagram in the NR published leaflet is inaccurate.	
Alternative routes with Tackley Estate	Network Rail have been discussing routes, including that proposed for the New Bridleway with the Tackley Estate since 9 August 2018.	Tackley Estate (Mr Peake) have been open to discussions regarding alternative routes and they still are.	
Memorandum of Understanding	Network Rail have followed the intent of the Memorandum of Understanding between Network Rail and IPRO.	The consultation has not followed the memorandum of understanding between Network Rail and IPRO.	
Main alternative options	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.	There are safer, viable options but these have not been appropriately scoped by Network Rail.	
Safety implications for use of the proposed bridleway with horses	Following the advice of its equestrian expert, Network Rail considers that the New Bridleway is suitable for all users, including pedestrians, cyclists and equestrians. The location of the New Bridleway is safe for equestrian users whose horses have been familiarised with trains.	The New Bridleway is proposed to be a length of 1km, in a fenced corridor, with a road surface, 4 metres away from the railway which will be at eye level. This would be high risk and dangerous to users of the bridleway.	

	Although trains will be passing on an embankment and therefore at a height above any horse on the New Bridleway, this height difference is not expected to have any material effect on how a horse would react.	Trains will be passing at horse head height so eye level. This will have a negative impact on a horse.	
	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.	The New Bridleway has a road surface.	
Equestrian qualifications of those carrying out risk assessments	Network Rail's ordinary optioneering approach was adopted in developing the proposals and in particular, general regard was had to the safety of all users of the New Bridleway. The Mott McDonald report was part of that exercise. Through the consultation exercises, it become apparent that there were particular concerns in relation to use by horse riders. An equestrian expert has accordingly been engaged to assess the New Bridleway in more detail in relation to use by horse riders.	The consultation document does not suggest anyone with equestrian qualifications undertook a risk assessment of the New Bridleway option. Nor do the FOI received. Network Rail has not confirmed who has been involved in the Project who has equestrian knowledge/qualifications or experience. Network Rail has confirmed that Mott McDonald (who designed the New Bridleway) are members of relevant industry organisations and would have consulted with relevant stakeholders such as the BHS. This is not the case.	
	Network Rail has commissioned Mr Charles Lane to provide the above assessment, he is an equestrian expert with suitable qualifications.	I cannot speak as to his suitability. He is experienced, as I am, alongside the others objecting who are equally as well qualified.	
Lineside equestrian routes elsewhere	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	The example bridleways provided by Network Rail to justify the New Bridleway are	

	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. The examples of comparable bridleways have been included in Network Rail's Statement of Case (Appendix 4) **[SOC-NR]** Mr Lane sets out in his Proof why he believes they are comparable.	distinguishable from the New Bridleway as they all veer away from the railway for a period of time. Network Rail cite 40 comparable bridleways adjacent to railways. These examples were provided by FOI however the list is not accurate, one does not even exist.	
Report from Charlie Lane	The Proof of Charlie Lane has been submitted. There were no prior reports provided by Mr Lane – only preparatory drafts of his Proof.	The report of what Charlie Lane states has been requested under FOI but Network Rail have responded that they do not hold this information. Emails from C. Lane confirm he had given his opinion last July 2023.	