

Tackley Parish Council - Statement of Case

Introduction

1. This Statement of Case is made on behalf of Tackley Parish Council (TPC).
2. TPC are unrepresented in this Inquiry. As a Parish Council our budget is limited, and we are unable to risk the funds that would be required to obtain legal representation at this enquiry without impacting the other services that we need to provide to the village.
3. TPC comprises 7 elected and sworn Councillors. The Council is currently comprised of Mrs. Elizabeth Marshall (chair), Mr. Andrew Lines (deputy chair), Mr. Angus Paxton, Mr. Steve Hill, Mr Richard Holland-Oakes, Mr. Richard Jackson, Mrs. Susan Lygo. The Council's Clerk is Mrs. Cherie Carruthers.

Summary

4. Our Statement of Case argues the following points:
 - a. We acknowledge that the underlying problem is one of the safety of the level crossing.
 - b. Network Rail's proposed solution to the problem is unsafe.
 - c. Over the past two decades, Network Rail's communication has been erratic, and whilst their behaviour may have been well intentioned, it has actually been obstructive and uncooperative.
 - d. Network Rail have failed to properly consider the various alternatives put forward by the community.
 - e. Network Rail have failed to consult properly on the options for solving the problem.

Background

5. Tackley is a small-medium sized village located north of Oxford, in Oxfordshire.
6. Tackley is a welcoming and inclusive community with a diverse population.
7. Tackley established a community run village shop in 2003. The shop hosts a Post Office. The shop is staffed by a full-time manager, as well as volunteers from throughout the community, and is a vital component in the lives of the population of Tackley.
8. Tackley is situated in some lovely, rolling, Oxfordshire countryside. The majority of the land around Tackley is owned and managed by the Tackley Estate. Tackley Estate are very generous in providing permission to the community to access much of Tackley's beautiful countryside. Notably, this includes a permissive footpath across 'Long Meadow', which when combined with the current bridleway, forms a lovely circular walk.
9. The current bridleway has been in existence for centuries, if not millennia.

10. Tackley has a parcel of 'common land' – open access land and formally designated as a County Wildlife Site – known as the Heath. This land is managed under the trust of TPC and allows public access to an ancient deciduous woodland for recreation purposes.
11. Tackley is a nature reserve, Crecy Hill, which is managed by volunteers.
12. In the last five years, the village has had two housing developments, increasing the number of houses in the village by about 100, increasing the population by approximately 25%.
13. Owing to our proximity to the University of Oxford, we are lucky to count a number of university professors and academics amongst our population, and so our average educational qualification is very high, with 48% of residents having Level 4 qualifications or higher, compared with 38% for West Oxfordshire, 42% for Oxfordshire, 48% for Oxford [source: ONS, LSOA, 2021]

Safety

14. TPC's primary objection to the proposed re-routing of the bridleway is that it is simply not safe.
15. TPC acknowledges that safety of the level crossing must be improved.
16. Whilst we do not call into question the use of a "near miss" metric to describe the safety of the crossing, we note that these are in effect actual misses - the real consequence of a near miss is the impact of physiological shock on the perpetrator and the driver. The ultimate safety issue is actual collision and the near-universal consequence of fatality.
17. Margaret's fatality in 2008 is a very grave crystallisation of the safety risk of the crossing. Our understanding is that her fatality occurred because she was rushing to catch the southbound train and failed to notice the high-speed northbound train.
18. NR did not act on recommendations put forward by the Rail Accident Investigation Board (RAIB) [[R092009_090330_Tackley.pdf \(publishing.service.gov.uk\)](#)], notably to install warning lights and to re-landscape.
19. TPC recognise the uniqueness of the current crossing because it is manually operated, a bridleway, as well as a station platform access.
20. One of the options discussed and dismissed was the option of installing traffic lights. TPC recalls this option has been summarily dismissed by Network Rail on the grounds that it people do not believe traffic lights. We note that this option is similar to a recommendation made by the RAIB.
21. One of the options discussed and dismissed was the option of installing automatically locking gates. TPC recalls this option has been summarily dismissed by Network Rail on the grounds that it does not reduce the risk to an acceptable level because people do not believe in automatic gates and would jump the gate.
22. Neither of these options, either separately or in conjunction, has been considered in any detail – they have both been summarily dismissed by NR.

23. Whilst both of these options would present a reduction in the risk at the crossing. Indeed, it seems likely that the only recorded fatality at the crossing would have been prevented with the use of gates.
24. Because the options have been summarily dismissed by NR, it is not possible to understand the reduction of risk they present in comparison the extent proposal.
25. Also, because the options have been summarily dismissed, the community has not been consulted on these options. It is our contention that the community would prefer one or both of these options to the option presented.

Safety of the proposed bridleway re-routing

26. Similarly to what we understand will be other objections and statements of case, we do not believe the proposed bridleway re-routing will be safe.
27. NR claim to have undertaken an internal review of bridleways next to railways. We have asked for a copy of this report under disclosure and under freedom of information. At the time of writing this report has not been produced by NR. We note that NR's objection response contains a reference "NR07" which suggests it may be included in a bundle, however, if not we humbly request that the inquiry order its disclosure.
28. Similarly, NR claim to have made a BHS report available to us, "Horse riding adjacent to active railway lines". We have no record of ever having received that report.
29. Notwithstanding this, from the description NR have provided in their response to our objection, we reject their conclusions on the basis that they do not appear to have taken into account the relative levels of the bridleway and the railway. It is inconceivable that a horse would not be shocked by a train hurtling past at 100mph at head height!
30. We understand an alternative route has been proffered by Tackley Estate that routes the bridleway away from the railway – at the opposite side of the field. It is without question safer.

Erratic communication from NR

31. The closure of the level crossing was initially proposed as long as 25 years ago – a proposal made by Railtrack plc. Following Railtrack's conversion to NR, NR sought planning permission for a footbridge, to lower, but not eliminate the risk at the crossing – the bridleway would remain. This permission was refused. NR then sought and obtained, via appeal, planning permission for a subway to replace the crossing, in 2003. This had followed some community engagement where the community considered the subway/underpass was the favoured solution. This was over 20 years ago.

32. Following Margaret's fatality in March 2008, NR allowed planning permission for the subway to lapse. No further options were presented to the community. Whilst the community continue to live with – and therefore accept – the unsafe crossing, conversations continue within the community that the subway/underpass is the solution, echoing a reluctance to the acceptance of the situation. From the community's perspective, the lack of engagement from NR in the intervening period suggests the issue is dormant.
33. The next point of substantive contact between the community and NR was the rekindling of the subway proposal in 2019. We were told in 2019 at a meeting in Tackley Village Hall that the village could have their preferred solution - an underpass - which would accommodate both horses and pedestrians. The finances were available, and this option was welcomed by all residents at the meeting as well as Network Rail's Mike Gallop, who went on record in April 2020 with a press release saying, "We thank the community in Tackley for their support and look forward to working with them on the permanent subway."
34. During 2020, the first Temporary Traffic Regulation Order (TTRO) was put in place (closing the bridleway) and a temporary bridge was installed. The local residents were not happy about it – TRAC was formed to influence NR - but the community was assured that it was temporary only while permissions for the subway/underpass were sought, and permission was granted by the highway authorities on the understanding that it was temporary. The initial TTRO lapsed with the crossing therefore being illegally closed for a period of time – a point TPC made to Oxfordshire County Council in a TPC meeting. This is a clear administrative error on NR's part, and indicative of their chaotic disorganisation and erratic approach to managing Tackley.
35. There have been numerous meetings between NR and the community. A potential alternative option had been suggested to Network Rail - the "Barwood Bridge" option. A portion of land was kept back by the landowner rather than being developed for housing. The portion of land would accommodate a small car park and a bridge over the rail cutting which could connect to both the station and the public right of way via a new bridleway on the east side of the line. The landowner on the east side of the line - Tackley Estate - has recently reconfirmed their preference for this option to us.
36. NR have never met with TPC, to discuss options, despite numerous invitations. Indeed, NR have confirmed attendance on numerous occasions, only to not turn up at the relevant meeting. This has been incredibly frustrating for the community because we've been looking forward for the ability to input, but then being unable to. TPC is manned with volunteers who have otherwise busy personal and professional lives and do not have time to waste. This has frustrated the ability to feed into NR or even understand what is going on at any point in time.

37. In 2021 Network Rail informed us that a new study would be done to assess the different options and were told that the underpass was no longer viable. While we were told that this was due to flooding issues, this seemed odd as in 2001/2 Network Rail had planning permission to build an underpass and flooding was not flagged up as a problem. The new study also did not include the Barwood bridge option.
38. The Barwood Bridge option had been discussed with NR at a Tackley Residents Rail Action Committee (TRAC) meeting; however, it was summarily dismissed on the grounds that it would take too long for passengers to move from one platform to another. Mitigations to this – such as relocating the station further north, were also raised, but dismissed out of hand because it would require consultation and agreement with Train Operating Companies and other stakeholders and would therefore be too difficult.
39. During the whole consultation period over the last two years, there have been numerous changes in NR employees and consequential issues such as emails going missing, etc. It has also never felt like a consultation, with NR seemingly refusing to entertain any suggestion other than the ‘footbridge for station access and reroute the bridleway’ option and failing to consider any mitigations for any of the other options’ flaws.
40. Communication has been erratic, disingenuous and (perhaps deliberately) misleading. For example, NR told one resident, at the Village Hall consultation, that any accidents which happened on the bridleway would be the liability of the rider. We are now aware that this is not true and Network Rail, as the landowner of the bridleway, would be liable.

Failure to properly consider the options.

Options

41. For nearly 20 years, the community have been expecting NR to construct a subway. This had been consulted on 20 years ago, and had been accepted by the community, NR, TPC, and the planning authorities.
42. Without summarily dismissing any of the options, we believe that the long-list options for solving the issue – the unsafe crossing – include, perhaps not exhaustively:
 - a. a do nothing option.
 - b. the proposed solution: the combination of a new, permanent footbridge, and the re-routing of the bridleway. This contains several potential variants:
 - i. the proposed solution, comprising the stopping up of the ancient track/existing bridleway at its southerly point, and the re-routing of the bridleway to run next to the railway line.
 - ii. a similar solution, comprising the stopping up of the ancient track/existing bridleway at its southerly point, and the re-routing of the bridleway to parallel to but not next to the railway line – except for a short section immediately south of the station.
 - iii. options rerouting the bridleway over Tackley Estate land west of the railway, similarly to (ii), but further west.
 - iv. options rerouting the bridleway west of the railway, through the village.
 - v. an option re-routing the bridleway over the existing bridleway bridge to the north of the village (on the path to Northbrook); and
 - vi. an option re-routing the bridleway over a new bridge - the 'Barwood bridge'.
 - c. Installation of automatic gates and/or lights.
 - d. the Barwood bridge bridleway option, where a new bridge is installed, and this is used both for re-routing the bridleway (as per b.vi. above), but also for accessing the southbound platform.
 - e. the full Barwood bridge option, where a new bridge is installed, and this is used both for re-routing the bridleway (as per b.vi. above), but also for accessing both platforms – being extended or moved, thereby possibly changing the location of Tackley station.
 - f. the installation of land-ramps to either north or south of the station; and
 - g. the installation of a subway/underpass.
43. Many of these options have been discussed over the years, however many of these options have not been discussed and have been summarily dismissed without consideration. Whilst we accept that in

some cases it may be appropriate to dismiss the option, this is not universally true for all the options that have been summarily dismissed.

44. We understand, however we are not experts, that to properly compare these options requires not only a consideration of costs, but a consideration of non-monetised impacts – costs and benefits. As the entire problem starts with a need to reduce the risk of the crossing, it seems important that the level risk reduction is an important metric, alongside cost. The community would also agree that visual amenity impact should also be a strong consideration.
45. Unfortunately, for most of the options mentioned above, which have been discussed from time to time with NR, there is a dearth of tangible information on these three factors – cost, risk reduction and visual amenity. From this situation arise two particular issues.
46. Firstly, the full Barwood bridge option has not been costed, nor has it been consulted on with the relevant stakeholders (notably the Train Operating Companies). We expect consultation would be required to understand the feasibility of this option, yet this has not been pursued.
47. Secondly, that the alternative bridleway routing options have not been considered on a relative risk reduction basis also renders the comparison impossible.
48. We therefore say that the options have not been duly considered by NR.

Failure to properly consult.

49. To make this argument I merely refer back to the other points made: relative safety is the key concern yet has been largely ignored, communication has been inconsistent and erratic, and the options have not been properly examined. Alone or in any combination, these elements mean that there has been a failure to properly consult the community, the landowners and other stakeholders.