



Order Decision

Inquiry opened on 4 June 2019

by Mark Yates BA(Hons) MIPROW

an Inspector appointed by the Secretary of State for Environment, Food and Rural Affairs

Decision date: 27 August 2019

Order Ref: ROW/3209333

- This Order is made under Section 118A of the Highways Act 1980 (“the 1980 Act”) and is known as the Leicestershire County Council Public Bridleway I20 (Part) Parish of Barrow Upon Soar Rail Crossing Extinguishment Order 2017.
- The Order was made by Leicestershire County Council (“the Council”) on 4 December 2017 and proposes to extinguish a section of Bridleway I20 in the parish of Barrow upon Soar, as detailed in the Order Map and Schedule.
- There were ten objections outstanding at the commencement of the inquiry.

Summary of Decision: The Order is confirmed subject to modifications set out below in the Formal Decision.

PROCEDURAL MATTERS

1. I held a public inquiry into the Order on 4-6 June 2019 and undertook both unaccompanied and accompanied visits to the site and the surrounding area.
2. The Council adopted a neutral stance at the inquiry and the case in support of the confirmation of the Order was made by Network Rail Infrastructure Limited (“NR”).
3. There are two errors on the additional map within the Order¹, which proposes to show the alternative route available to the public. Firstly, the route is shown through properties and not along the highways concerned. Secondly, the one-way system within the village means that it is not possible for horse riders or cyclists to travel northwards along the carriageway of Grove Lane². There is nothing to suggest that anyone was prejudiced by these matters.
4. I take the view that it is not appropriate to insert a new map into an Order to remedy errors with the original version. It is nonetheless open to me to modify this map. The options are that the alternative route and the map key are modified, or the map is struck out. Bearing in mind that there is no requirement for this additional map and the difficulty of showing the different options on it, I consider it appropriate for the context plan to be struck out.
5. It became apparent that the Planning Inspectorate had not forwarded the proof of evidence for one of NRs witnesses (Mr Greenwood) to the other parties. Arrangements were put in place for this to be circulated a few days before the inquiry opened and I gave some additional time on the opening day of the inquiry for people to read it.

¹ Known as the ‘context plan’ and having the reference number ‘2340C’

² It may be permissible for a person to push a cycle along the footway

MAIN ISSUES

6. The Order was made as it appeared to the Council expedient that a section of bridleway should be stopped up in the interests of the safety of members of the public using it or likely to use it. If I am to confirm the Order, I will need to be satisfied that it is expedient to do so having regard to all the circumstances, and in particular to:
 - (a) whether it is reasonably practicable to make the crossing safe for use by the public, and
 - (b) what arrangements have been made for ensuring that, if the Order is confirmed, any appropriate barriers and signs are erected and maintained.
7. Whilst particular regard should be given to those matters set out above, other factors may be relevant when determining whether it is expedient to extinguish the section of bridleway included in the Order. Paragraph 5.49 of Defra Circular 1/09 ("the Circular") outlines that these may include *"the use currently made of the existing path, the risk to the public of continuing such use, the effect that the loss of the path would have on users of the public rights of way network as a whole, the opportunity for taking alternative measures to deal with the problem, such as a diversion order or a bridge or tunnel and the relative cost of such alternative measures"*.

REASONS

8. The Order proposes to permanently stop up a section of Bridleway I20, where it passes over the Mountsorrel level crossing ("the crossing"), between its junctions with Sileby Road (point A) and Footpath I24 (point B). Further to the north, I20 links with Footpath I23 and continues north westwards to Melton Road/Paudy Lane and beyond. Point A is located towards the eastern extent of the village of Barrow upon Soar. To the south of Sileby Road in this locality is the River Soar.
9. Work has commenced on land to the north of the crossing in relation to the Poppyfields development, which will comprise of 291 dwellings. To the east of the crossing there are industrial units and the Lafarge works on the southern of the railway lines and British Gypsum works on the northern side of the lines.
10. The crossing passes over the Midland Main Line, which comprises of four lines for passenger and freight trains. There are two additional railway lines under the control of Lafarge Aggregates, and these are located nearest to Sileby Road.

Public Use of the Crossing

11. As outlined below, the crossing has been closed on a temporary basis since 2008. The only available information regarding the extent of the use of the crossing arises from a census undertaken over a period of nine days commencing on 25 March 2006. It is noted that nine hours of data was lost due to a person tampering with the camera. Subject to this issue, the camera recorded 358 people using the crossing during the nine-day period, which equates to an average of around 40 users per day. It is stated³ that ten cyclists and two horse riders used the crossing during this period with the remainder of the users being pedestrians.

³ At paragraph 2.7.3 of NRs 2019 risk assessment

12. NR relies on statistical data regarding the average figures for the occupancy of houses in the UK, the number of dependent children within households and the percentage of homes having a dog in support of its view that the Poppyfields development would give rise to a significant increase in use of the crossing and that some of this use will involve vulnerable users. Following the completion of the development it is believed that use could rise to over 80 users a day. Reference is also made to visitors to properties on the development. NR says that even without the Poppyfields development there has been natural growth in the village population and estimate that the number of users could have risen to 50-60 people a day if the crossing had been open.
13. Any increase in the number of users gives rise to a greater risk that an accident will occur, but it could also be supportive of the need for a means of crossing the railway in this locality. I accept that the development will lead to an expectation that there will be an increase in use of the crossing. However, I am reluctant to place too much reliance on the average figures involving households in the UK. The nature of the crossing and the locations of facilities within the village may serve to influence use to some extent. It is nonetheless the case that the figures put forward by NR are stated to be on the conservative side.

The Safety of Members of the Public Using the Crossing

14. The Midland Main Line comprises of two fast lines with trains travelling at speeds of up to 110 mph and two slow lines allowing for speeds of up to 65 mph. During operational hours, eight trains per hour pass over the fast lines (four in each direction) and two pass over the slow lines (one in each direction). There are additionally between twenty and fifty freight trains a day.
15. Two additional lines are used by Lafarge and are outside of the control of NR. They consist of a reception line and a loading line. Trains travel at speeds of up to 15 mph on these lines and on average there are between eight and ten arrivals and departures per day. In addition, there are shunting movements during the day which lead to trains moving over the crossing and sometimes stopping on the crossing.
16. An investigation was undertaken following a near miss on the crossing involving a pedestrian in 2008. The recommendation of the Railways Inspector (Mr Tilly) who investigated the matter was that the crossing should be closed. It has subsequently been the subject of temporary closures under the Road Traffic Regulation Act 1984. Some weight should be attached to the findings of Mr Tilly following his investigation of the crossing. However, the same cannot be said to apply to the temporary closures. The extension of the temporary closure was requested by the Council in order to find a solution and this was granted by the Secretary of State for Transport without comment on the merits of the permanent closure of the crossing.
17. Self-closing gates and signage informing people to 'stop, look and listen' were in place prior to the closure of the crossing. The main witness called by NR to speak on safety was Mr Briggs. He outlines that this type of signage is usually placed at decision points. A decision point is where it is reasonable to expect a user of the crossing to make the decision to cross. These signs place reliance on users deciding whether it is safe to cross and heeding the warnings whilst continuing to look and listen when crossing. NR draws attention to research and incidents showing that people do not always look at signage or crossing

- equipment and can fail to look for trains when crossing. There may also be instances when people are unwilling to wait to cross for various reasons.
18. Attention is drawn to the risks associated with vulnerable users of level crossings. Vulnerable users are classed as those people who are unable to use a level crossing quickly and effectively and are not fully aware of the dangers at crossings. These include people with impaired mobility, unaccompanied young children, people with ear phones, dog walkers, people with a pushchair, cycle or leading a horse. The near miss incident of 2008 is stated to have involved an elderly person walking a dog.
 19. The total distance of the crossing is stated to be 29 metres. Taking 1.2 metres per second as an average speed of a walker⁴, the time taken to traverse the crossing would be 24 seconds. Mr Briggs outlines that at this speed a user requires 1,200 metres of sighting of a train approaching to cross safely. In the case of the average speed of a vulnerable user⁵, allowing for a crossing time of 36 seconds, 1,800 metres of sighting is stated to be required.
 20. Details have been provided of the sighting distances available at this crossing in each direction. In terms of vegetation, this can be removed to some extent in order to improve the sighting of trains. A reasonable user may also be expected to take into account adverse weather conditions, such as fog, when deciding whether to use the crossing. However, the curvature of the railway reduces the visibility of trains from both sides of the crossing to varying degrees in normal weather conditions. Visibility to the west from the northern side of the crossing is further affected by the Grove Lane overbridge. On the south side there will be occasions when visibility is obscured by trains using the sidings. NR also draws attention to trains obscuring the view on the different lines and the potential for people to assume that there is no risk if a train on one of the lines has passed over the crossing.
 21. The evidence of NR is that the best available sighting is obtained by looking to the west from the northern side of the crossing and this allows a person to see as far as 660 metres. Therefore, even where visibility is at its greatest, there would be insufficient notice of an approaching train and not enough time to cross the lines in certain circumstances. It is clear the available sighting distances pose a greater risk to vulnerable users. I find this to be a matter of significant concern. NR also points to the diverse speeds of trains leading to problems in a user appreciating how far an approaching train is away.
 22. Mr Greenwood highlights patterns of behaviour of people on level crossings. Of particular note are the examples of misuse and trespass at level crossings. He has provided photographs showing youths standing on level crossings, sitting on the decks, walking up or down the rails, chasing each other and playing 'chicken' on the lines. Whilst there is clearly the risk that such behaviour could happen at the crossing, no evidence of misuse has been provided at this location.
 23. The 'All Level Crossing Risk Model ("ALCRM") is a computer-based application used by NR to assist in directing risk management at level crossings. This provides a risk result consisting of a letter (A-M for individual risk) and number (1-13 for collective risk). The risk is deemed to be higher towards A and 1. Mr

⁴ As recommended by the Office of Road and Rail

⁵ Mr Briggs says the current view is that the time for a vulnerable user to traverse a crossing should be increased by 50%.

Briggs outlines the problems with the ALCRM system at the time of an assessment carried out in 2007, which was the last risk assessment undertaken prior to the closure of the crossing. This is stated to have not accurately reflected the nature and use of the crossing for a number of reasons.

24. In order to measure the risk a further risk assessment was undertaken in 2019 on the basis that the crossing is still open. This assessment recorded an ALCRM score of B2 based on the 40 daily users recorded in the 2006 census. Use of the crossing by the 80 projected people (see paragraph 12 above) would give an ALCRM score of B1. I consider there to be some uncertainty in projecting the level of use when the crossing has been closed for many years. Nonetheless, even using the 2006 figures, the risk assessment categorises the crossing as being of a very high risk.
25. It is clear that the crossing poses a substantial risk to members of the public using it. This is borne out by the findings of Mr Tilly and the evidence of the witnesses for NR. It is apparent from the ALCRM score that the crossing continues to pose a high risk to the public. Further the objectors at the inquiry all accepted that the level crossing is unsafe.

Whether it is Reasonably Practicable to Make the Crossing Safe

26. Mr Briggs says that there is a need for a refuge to demarcate the different sets of lines, but it is not possible to make provision for one of the required dimensions for bridleway users in this location. Although a telephone system was previously in place, it is stated that this could not advise people of trains using the sidings. The Council also outlines that records of phone calls during the period covered by the census revealed that only 1 in 5 people contacted the signaller via the telephone as requested to do so before crossing. I accept that the provision of a NR employee at the crossing 24 hours a day is not a viable option.
27. Miniature stop lights can be employed at level crossings that are linked to the signalling system. These lights are triggered by approaching trains and there may also be an audible warning. They give a warning time of around 40 seconds. However, such a system is considered by NR to be impracticable in this location given the different line speeds and the absence of a decision point between the slow and fast lines. In terms of the use of whistle boards to warn users of an approaching train, these are subject to a maximum position of 400 metres from the crossing. After this distance they serve no useful purpose. They are also not recommended on lines with speeds of over 100 mph or where there are more than two tracks.
28. Mr Greenwood points to the use of a speed restriction in this locality being contrary to the requirement in NR's licence for operational efficiency. The slowing of trains can have a knock-on effect for the network causing congestion and delays. Compensation is paid by NR for delays experienced by train operators. It is also felt that speed restrictions may encourage users to believe they have more time to cross the railway lines.
29. The evidence of NR is that none of these measures could be employed in this location to make the crossing safe. This view is not challenged by the objectors. Instead the objectors consider that an alternative means of crossing the railway lines, as addressed in paragraphs 47-53 below, should be put in place.

Fencing and Signage

30. Following the temporary closure of the crossing people have been prevented from using it by palisade fencing. Ms Bedford of NR is not aware of any incidents of vandalism with this fence. The evidence of NR is that fencing is maintained at least every 12 months. If there is an incident it will be reviewed more regularly. Should there be no further issues within the next 12 months, it will revert to being examined annually. It is not felt that any additional signs would be required if the Order is confirmed.
31. I have no reason to doubt that the fencing would continue to be maintained in order to physically prevent access to the crossing should the section of bridleway be permanently extinguished. If it is considered appropriate to do so the Council could erect suitably worded signage informing the public of the closure of the crossing and the alternative route available.

Other Expediency Issues

Safety and operational efficiency

32. NR has a statutory duty to ensure safety on the railway. The duty of care extends to trespassers as well as lawful users of the crossing. Additionally, it has a duty in its network licence to improve operational performance and efficiency. This will include ensuring that trains run on time and compensation is payable if trains are delayed for whatever reason.
33. It is apparent that the primary concern of NR is safety. Nonetheless, an accident on a crossing is likely to impact on operational efficiency. NR outlines how an accident not only disrupts trains on the Midland Main Line, but it also potentially impacts on the wider train network.

The impact of the loss of the section of bridleway

34. A range of potential reasons for people wishing to use the bridleway have been put forward by the parties. However, there is little evidence regarding the purpose behind the previous use of the crossing. The 2006 census only provides information regarding the number of people using the crossing at that time.
35. The longstanding temporary closure of the crossing has meant that people have had to make use of alternative options. It is apparent from the photographic evidence that the section of I20 to the north of the railway remains well used in conjunction with the existing footpaths. Nonetheless, it seems to me that consideration needs to be given to the likely use that would occur if the crossing were open. The nature of I20 to the north of the railway lends itself more to use by off-road cycles. Clearly, the census information recorded that the equestrian use was limited.

Distance

36. The shortest distance in order to travel between the north and south sides of the crossing by an alternative route is around a mile. In terms of pedestrians this is via the footways of Sibley Road, Grove Lane and Melton Road to ultimately join Footpaths I23 or I24. Cyclists and equestrians travelling northwards have to ride along Sibley Road, South Street and Melton Road before joining I20. When travelling southwards cyclists and horse riders would travel a similar route but this would incorporate Grove Lane.

37. In terms of access to local amenities, most of those mentioned lie to the west of the crossing in or near to the centre of the village. There is no apparent benefit of using I20 as a quicker route to reach a range of destinations such as local schools and shops. The main bus service⁶ through the village has stops positioned both to the north and south of the railway. There would nevertheless be some disadvantage for someone wishing to walk or cycle southwards over the crossing to access any of the industrial sites located on Sibley Road.
38. I find it likely that a significant proportion of the use of the rights of way network to the north and south of the crossing is for recreational purposes, such as dog walking. In that sense people would have to take a detour to connect with rights of way on the other side of the railway. However, it is apparent that for walkers at least there is a high concentration of public rights of way to use on each side of the railway. In terms of the network to the north, the existing rights of way will be retained within the Poppyfields development with additional routes provided.
39. To the south of Sibley Road there are paths in the locality of the River Soar. I note that there was opposition to the closure of the crossing from some residents of Sibley Road at the consultation stage. Looking at the network of rights of way in the area, there is the potential for the closure to have a greater impact on residents of properties to the south of the crossing. It is also apparent that there may be times when the flooding stated to occur on occasions restricts use of the ways near to the River Soar. However, there is a lack of evidence from local residents to indicate that the permanent closure of the crossing will have a significant impact on their use of the rights of way network.
40. I consider the issue with horse riders and cyclists to be less about the extra distance required to connect with the bridleway network and more to do with the need to ride for a greater distance on public roads, which I address below. Whilst Ms Bedford has provided details of the locations of the nearest riding schools, it is unlikely that this provides the complete picture on equestrian use. As is the case for Mrs Allen, there may be people whose horses are stabled at other locations within riding distance of I20.

Safety and enjoyment

41. There are footways located on both sides of Sibley Road. A 30 mph speed limit is in place in the locality of point A, which changes further to the east to a 40 mph limit. I also noted the existence of speed humps in places. Reference has been made to the presence of parked cars on the footway. Although not a matter within the control of NR, if parked cars are parked in such a manner as to force people to deviate onto the road, it would potentially impact on the safety of pedestrians. Nonetheless, the northern footway of Sibley Road is generally wide, and I did not encounter any problems with access during my visits to the area.
42. I did not find Sibley Road to be heavily trafficked during my visits to the site, but I accept that the position may be different at certain peak times. No details have been provided of any accidents involving pedestrians, cyclists or horse riders in respect of the alternative routes. Mrs Allen gave evidence regarding the attitude of some motorists when held up by horse riders but

⁶ The No. 2 service between Loughborough and Leicester

raised no significant safety concerns. Such conduct may impact more on the enjoyment aspect than on safety. Whilst riders will have to ride on roads elsewhere as part of a riding circuit, the closure of the crossing would lead to horse riders and cyclists having to ride a greater distance on roads. The section of I20 to the north of the crossing is likely to provide a more enjoyable experience to riding on the village roads.

43. The issue of cyclists and horse riders using the local roads needs to be compared with the alternative of traversing the crossing. As outlined above, the present crossing poses a significant risk to the public, and this particularly applies to vulnerable users such as cyclists and horse riders. It is apparent from the census material that there was little use of the crossing at the time by horse riders. Whilst some people such as Mrs Allen may be prepared to use the crossing with a horse, other people were for the most part deterred from doing so.

Cul de Sac

44. Paragraph 5.48 of the Circular advises care should be taken to avoid the creation of a cul de-sac that encourages trespass onto the railway. The closure of the crossing would lead to the creation of a cul de sac bridleway. However, this only materially impacts on horse riders and cyclists as pedestrians can use I20 in conjunction with the existing footpaths. There have been no reported incidents involving people gaining access to the crossing since the erection of the palisade fencing and there is nothing to suggest that the situation will change in the future.
45. Whilst Ms Bedford draws attention to a conservation area being a point of interest served by I20, I consider this to be mainly applicable to pedestrians. I do not see it being a reason for recreational horse riders or cyclists choosing to travel down I20 towards point B. In terms of the concerns of Mrs Allen in relation to Ordnance Survey maps, these will be updated at some stage if the Order is confirmed. I would expect map users to be able to determine where the bridleway terminates once the maps are updated.
46. The creation of a cul de sac section of bridleway is an unsatisfactory outcome for cyclists and horse riders. However, this has to be weighed against the safety of these users and the previous use of the crossing. I address below the potential alternative options previously considered to maintain a link.

Alternative Options

47. NR have had meetings with the Council, landowners and user groups and public engagement events were held to discuss various options should the crossing be permanently stopped up. Details have been provided of fourteen options that have been considered. I have addressed miniature warning lights, the manning of the crossing and speed restrictions in paragraphs 26-28 above. A number of the other proposals involve the provision of a foot or bridleway bridge at the existing crossing point or at the private road known as Pingle Nook. The latter is located near to an industrial estate on Sibley Road. Some of the proposed footbridge options were considered in conjunction with the provision of a link for equestrians and cyclists on the northern side of the railway between Bridleways I20 and I4.
48. The least favourable options appear to be those that proposed to place a bridge at the existing crossing point. NR also draws attention to practical problems

regarding the acquisition of land and obtaining planning permission. A bridge would either block a private access road or need to be built in a garden. These matters are stated to be applicable to a footbridge and it is apparent that the impact would be greater in terms of a bridleway bridge. One of the options for a bridleway bridge would necessitate the purchase of two properties.

49. There is some support for the provision of a footbridge at Pingle Nook. The main issues appear to be the difficulty in tracing ownership of some of the land and the refusal by others to sell land to accommodate the bridge. In my view, this is the most viable option for the provision of a crossing of the railway. However, a footbridge by itself does not take account of the needs of cyclists or horse riders. The impact of a bridleway bridge in this location would again be greater and require the need to remove garages or provide a ramp near to the industrial units. It is also telling that there is no support for the provision of a bridleway bridge from equestrians.
50. Additional concerns are stated to have been raised by the Council regarding the narrow entrance to Pingle Nook given the private vehicular use of it and reference is made to incidents involving vehicles. Ms Bedford also points to the problems that would be encountered in getting machinery such as cranes on site and the need to close the railway lines for a period whilst any bridge is put in place. However, the difficulties in arranging for the works to be undertaken in relation to the construction of a bridge are not insurmountable.
51. In terms of proposals to create a replacement bridleway link, the British Horse Society favoured a new route parallel to the northern side of the railway on land outside of the control of NR. Mrs Allen spoke in favour of a bridleway link between I20 and I4 at the inquiry. However, Ms Bedford outlines that other horse riders disagreed with this option on safety grounds and it is opposed by the owners of the land in question. She says that British Gypsum raised serious health and safety concerns about a route along their western boundary. It would also impact on their ongoing aspiration to construct sidings to the north of the railway. The enhancement of alternative bridle routes and creation of new routes is also stated to have been rejected by affected landowners.
52. Mr Billson, on behalf of Barrow upon Soar Parish Council, considers the restoration of a private underbridge at the site of Hayhill Lane to be the most appropriate option. From my observations of the site there would appear to be significant difficulties in providing a route from Sibleby Road given that it would pass through part of the Lafarge site. There would also need to be a lengthy creation on land to the north of the railway to provide a bridleway connection. The information supplied by NR is supportive of the bridge being partly infilled in 1979 and two pipes being taken through the underbridge in 1987. There is also a conveyor belt in this location that would possibly need to be relocated. NR says that the costs of removing the surrounding material, relocating the pipes, bringing the bridge up to a suitable standard and providing appropriate drainage would be considerable and cost more than a bridleway bridge.
53. NR has provided reasons why each alternative proposal is not a viable option. Some of these points are accepted by the objectors. It seems to me that a footbridge would be the most achievable option, but this would not assist with horse riders or cyclists. A bridleway bridge would be more problematic given the size and design required for such a structure within the potential locations.

Further, a bridleway bridge is not favoured by users, including horse riders. Nor is any single proposal favoured by the objectors. I consider there to be nothing to show that a bridleway link on the northern side of the railway or the restoration of the Hayhill Lane underbridge could be a realistic option at the present time.

Bridge or tunnel Order

54. If a crossing is deemed unsafe, a recommendation can be made to the Secretary of State that a bridge or tunnel Order is made. Such an Order would not apply to the alternative link on the northern side of the railway lines, between I20 and I4, favoured by some. As can be seen from the example of a recent decision of the Secretary of State for Transport presented to the inquiry, the costs of implementing a bridge or tunnel needs to be considered against the benefits for the public. If an Order is made, NR has to use its best endeavours to comply with the Order. NR asserts that it could not comply with any Order made within the required timeframe for a variety of reasons.
55. In addition to the budgetary constraints highlighted by Mr Greenwood, there are significant problems that would need to be overcome to provide an alternative crossing of the railway for all users. On the basis of the information provided to me, I find that there is no reasonably practical alternative means of crossing the railway in this locality to warrant the recommendation that a bridge or tunnel Order should be made.

Whether it is expedient to confirm the Order

56. I have concluded that the crossing poses a significant risk to the safety of the public and the evidence of NR is supportive of there no practical means of making the crossing safe. The alternative route available will be less convenient to the public than proceeding directly across the railway lines but this has to be balanced against the safety of the crossing. Further, I am not satisfied that there is a reasonably practical alternative means of crossing the railway lines that would make provision for all types of users.
57. Having regard to my various conclusions, I find that the evidence weighs more heavily in favour of it being expedient to confirm the Order. It follows that I conclude that the Order should be confirmed. I have reached my view on the circumstances in this case and my decision should not be taken to set a precedent for other cases involving an alternative route of a similar distance.

OTHER MATTERS

58. Mr Billson suggested at the inquiry that a permissive bridleway could be created along a fenced corridor over land owned predominately by British Gypsum to provide a link between I20 and I4. This arrangement could cease should British Gypsum wish to do so for operational reasons. It would not create a public right of way in perpetuity but would provide a valuable bridleway link. Whether it is viable option would be a matter for any interested parties to pursue.
59. I note from a consultation response to the planning application for the Poppyfields development that Mrs Allen requested that the footpaths through the site are upgraded to bridleway status. This appears to be consistent with the aim of condition 5 in the planning permission regarding support for the use of non-car use. The Council confirms that the paths through the site are to be improved. Whilst not a matter for me to determine, the upgrading of I24 to

bridleway status would remove the cul de sac element of I20. This is a matter again that any interested parties could pursue.

CONCLUSION

60. Having regard to these and all other matters raised at the inquiry and in the written representations I conclude that the Order should be confirmed with modifications.

FORMAL DECISION

61. I confirm the Order subject to the following modifications:

- Delete the final paragraph of the preamble to the Order, namely "*Plan No. 2340C attached to this Order shows alternative highways available to the public*".
- Strike out Plan No. 2340C in the Order.

Mark Yates

Inspector

APPEARANCES

For NR:

Mr J. Lopez

Counsel instructed by NR

He called:

Mr V. Briggs

Route Level Crossings Manager

Ms S. Bedford

Liability Negotiations Manager

Mr J. Greenwood

Head of Liability Negotiation

Objectors:

Mr J. Howells

Chairman of the Leicestershire Local Access Forum

Mr M. James

Chairman of Leicestershire and Rutland Ramblers For Barrow upon Soar Parish Council

Mr R. Billson

President and Networks Officer of Leicestershire & Rutland Bridleways Association and District Access & Bridleways Officer for the British Horse Society

Mrs V. Allen

For the Council:

Ms N. Varia

Solicitor employed by the Council

Mr E. McWilliam

Rights of Way Access Manager

DOCUMENTS

1. Opening statement on behalf of the Council
2. Alternative routes map
3. Legislation extracts
4. Extract from 'Managing Public Money'
5. Extract from 'Network Rail's Licence on Operational Efficiency and Safety'
6. Case of Ramblers Association v Kent County Council [1990]
7. Submission from Mr Billson
8. Extracts of plan and photograph for culvert 54
9. Details of routes in the locality
10. Photographs in relation to Grove Lane
11. Options plan
12. Plans for the Poppyfields development
13. Plans of suggested modifications
14. Temporary Traffic Regulation Order correspondence
15. Closing submissions of the objectors
16. Closing submissions on behalf of NR

Leicestershire County Council Parish of Barrow upon Soar Rail Crossing Extinguishment Order 2017

Location Plan

Key

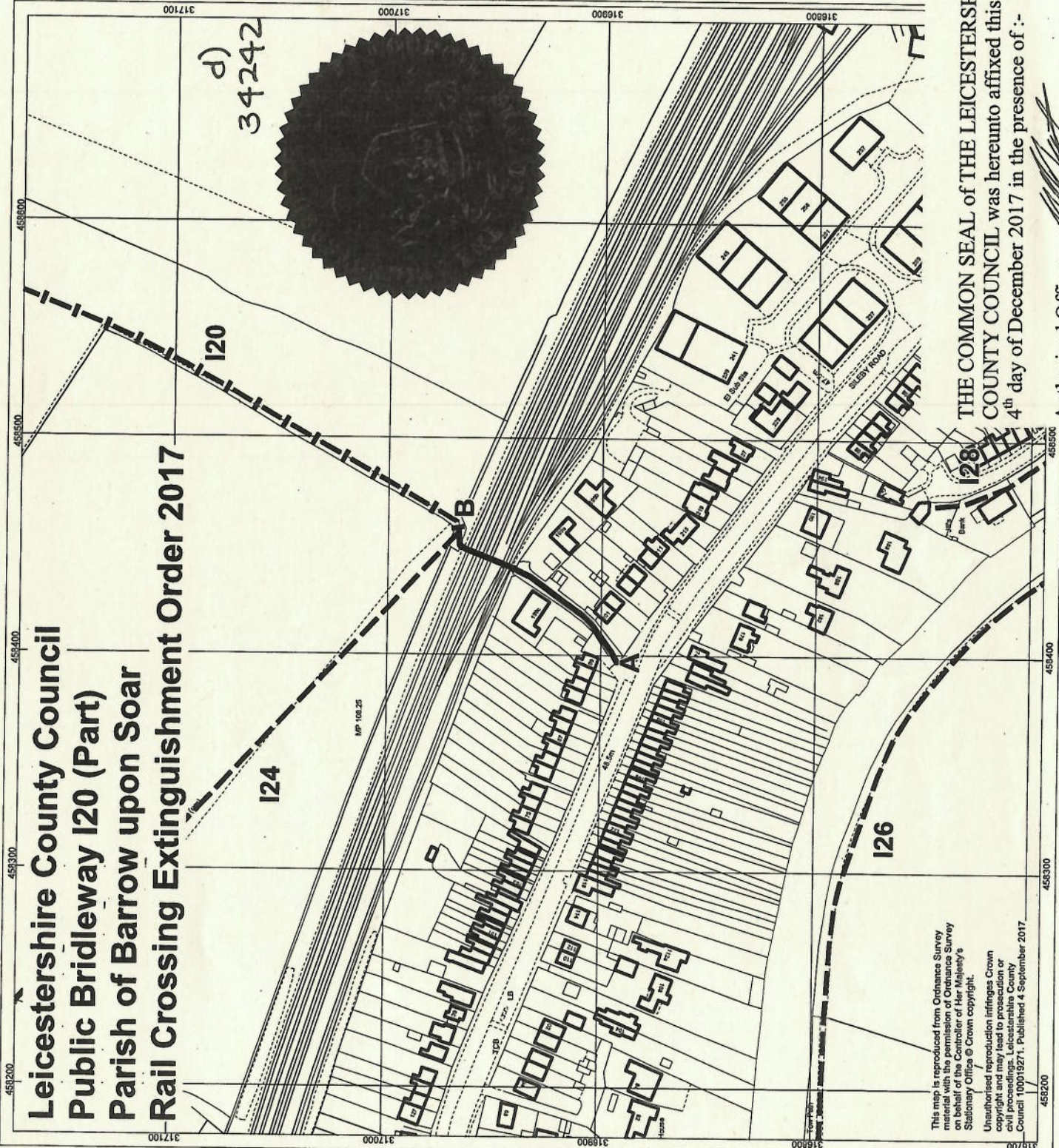
- Public Bridleway Proposed to be Extinguished (A-B)
- Unaffected Public Bridleway
- Unaffected Public Footpaths

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Phil Crossland, Director

Leicestershire County Council

Plan No.2340

Scale 1:2500

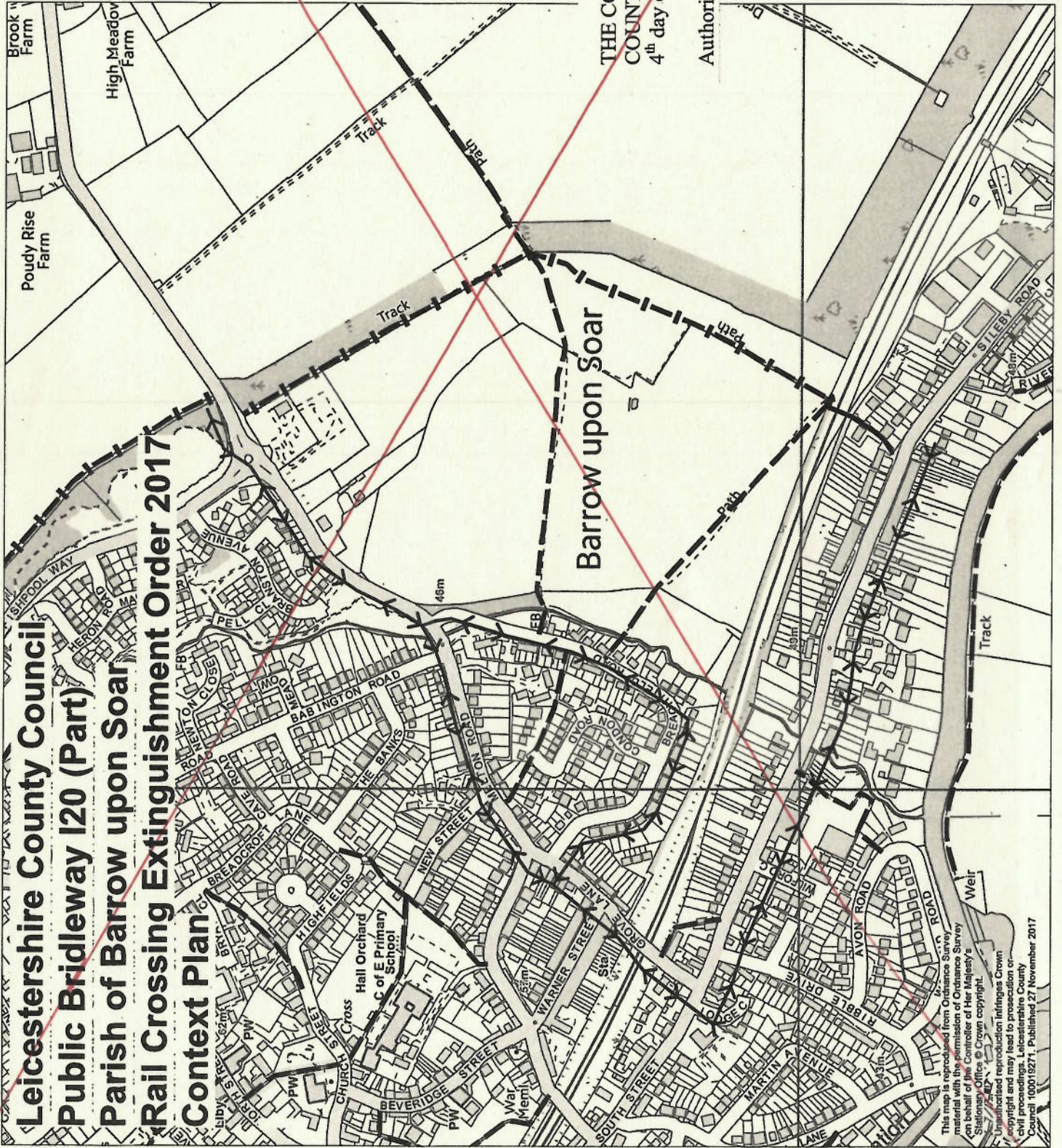


THE COMMON SEAL OF THE LEICESTERSHIRE COUNTY COUNCIL was hereto affixed this 4th day of December 2017 in the presence of :-

Authorised Officer

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Leicestershire County Council Public Bridleway I20 (Part) Parish of Barrow upon Soar Rail Crossing Extinguishment Order 2017 Context Plan



Key

Existing Public Footpaths



Existing Public Bridleways



Bridleway to be Extinguished



Alternative Routes via Existing Highways for Equestrians, Cyclists and Pedestrians



34242



THE COMMON SEAL OF THE LEICESTERSHIRE COUNTY COUNCIL was hereto affixed this 4th day of December 2017 in the presence of :-

Authorised Officer

Environment & Transport Department,
County Hall, Glenfield,
Leicestershire LE3 8RJ
email footpaths@leics.gov.uk
Director Phil Crossland



Leicestershire
County Council

Plan No. 2340C

Scale 1:6000

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