

Chestnut Grove Level Crossing – s118A Application Form

Additional Information

The following relates to section (h) of the s118A application form regarding reasons for the proposed extinguishment of the rail crossing.

- (i) **the use currently made of the existing path, including numbers and types of users. and whether there are significant seasonal variations, giving the source for this information (any circumstances preventing or inhibiting such use must also be mentioned);**

A nine day census was undertaken to understand the extent of use of the level crossing between 13th and 21st July 2024. During this period there were 3005 traverses of the level crossing. The busiest period was at the weekend with 635 traverses on Sunday 21st July. The quietest day was a week day which saw 179 traverses.

The riverside pathway on the non-village side of the railway is a popular attraction for the local community and is well used by dog walkers, cyclists, families and the elderly on a daily basis. Anecdotal comments suggest the route is also used by visitors to the area who may not be as familiar with the crossing. Previous census taken at the crossing in 2018, 2022 and 2024 show usage figures similar to those shown in the more recent 2024 census which confirms that there is no notable seasonal variations. A census taken in 2020 showed a slight dip in usage figures but this was during the covid pandemic and therefore not an accurate reflection of typical usage.

Since summer 2022, following a series of reported near misses a CCTV camera has been installed at the crossing to understand the level of use, type and extent of misuse at the crossing. The footage showed the crossing is regularly used by 'vulnerable users' such as people carrying bicycles and prams (and on one occasion a canoe). Approximately 6% of users per day are regarded as vulnerable users. Usage by vulnerable users tends to be higher Thursday to Sunday.

Camera footage shows that use of the crossing is primarily during the day although 3% of users was made between the hours of midnight and 06.00.

There is nothing currently in place that prevents or inhibits use of the level crossing although Network Rai has submitted repeated applications to Nottinghamshire County Council to temporarily stop up the public right of way over the crossing to remove the risk to users of the public right of way while permanent solutions are explored.

- (ii) **the risk to the public of continuing to use the present crossing and the circumstances that have given rise to the need to make the proposed order;**

There is a very real risk of a serious incident at Chestnut Grove level crossing if it remains open.

As of 21st March 2025, there have been 19 near misses at Chestnut Grove level crossing in since 2020. A near miss in this instance is an event in which the train driver has had to apply the emergency brake for fear of hitting a user of the crossing.

Specifically in 2024 there were 48 incidents at the crossing including 4 near misses details of which are noted below:

06/05/2024 14:20 - EMCC SSM Advise of a report from the driver of 2L66 Regarding having to apply the emergency brake at Chestnut Grove LC due to a Female on the crossing with a dog. No further description and seen to leave the crossing.

30/07/2024 17:06 - EMCC SSM advises that 1K73 (1637 Newark Castle - Crewe) reported near miss at Chestnut Grove FPS, Up Newark, 05m 25ch, NOB1. Report was of a singular person involved directly with the near miss wearing 'jogging attire'. Emergency brake was applied, unsure as to whether the horn was sounded and that the Driver is fit to continue.

04/08/2024 17:28 - EMCC SSM advises Near Miss reported by driver 2L64 - white male in their 60's crossed over Chestnut Grove FPS as 2L64 was approaching on the Up Newark towards Burton Joyce Stn. Driver didn't have time to apply emergency brakes but sounded the horn and male left the area. Male crossed Dn side to Up side. Driver happy to continue and EMR aware, checking if FFCCTV available.

27/11/2024 15:49 - EMCC SSM advises that the driver of 2L73 applied the emergency brake and sounded the horn for 1 x adult, 2 x kids & 1 x dog in the middle of the crossing (Chestnut Grove FPS) which sits between Burton Joyce Station & Trent Gardens UWC. Driver didn't report a near miss and is OK to continue. All were seen to leave to railway so signaller normal working at present.

The CCTV camera footage has shown countless examples of misuse at the crossing. Some examples of this include:

- a) a couple taking pictures on a chair in the 6 foot (between the two lines of rail)
- b) children walking over the railway looking at phones and not looking for approaching trains either prior to crossing or while crossing
- c) Multiple examples of people stopping to take photographs of the railway with their back to trains
- d) A young child (2/3 years old approx.) allowed to loiter on the crossing less than 1m from the running rail while the accompanying adult was some distance away.
- e) Examples of people taking selfies on the live railway





Network Rail has had multiple discussions with stakeholders in the past to raise awareness of its concerns about the safety of users at this crossing including the Parish Council, Borough Council, Severn Trent Water (as a local landowner), the Highway Authority, local Councillors and the Office of Rail and Road (ORR). A local community event was held in 2024 to show to the community the examples of incidents at the crossing and raising awareness of the safety concerns. Ad-hoc site visits have also been undertaken by the Level Crossing and Route Level Crossing Managers to raise awareness of the risks to users and challenge unsafe behaviour. The crossings and examples of misuse were also part of a national awareness campaign by Network Rail in 2024. Unfortunately, very little has changed in respect of misuse incidents.

All level crossings on Network Rail's network are risk assessed using the All Level Crossing Risk Model (ALCRM) which considers multiple factors at a crossing including the line-speed, usage type and existing mitigations and assigns a score. The score at Chestnut Grove is C2 which places it nationally, in a 'high risk' category.

During a meeting between the local Level Crossings team and East Midlands Trains, multiple drivers expressed concerns about user behaviour at this crossing and the number of incidents that are occurring.

The British Transport Police (BTP) also undertake regular patrols of the area who engage with the community about using the crossing safely and they have also provided a letter in support of closure of the crossing.

Having progressed over 100 level crossing closures during my employment with Network Rail it is one of the worst level crossings I have witnessed in terms of the extent and regularity of misuse incidents and near misses on the Eastern Route. The Route Level Crossing Manager and Level Crossing Manager are extremely concerned about the likelihood of a fatality and this location having witnessed the volume of misuse recorded on the CCTV.

Misuse occurs on a daily basis and it is a matter of time before a person is hit at this crossing. Closure via the extinguishment of the public right of way over the crossing is the only available viable option to address the issues at this crossing.

(iii) the effect of the loss of the crossing on users, in particular whether there are alternative rights of way, the safety or these relative to the existing rail crossing, and the effect on any connecting rights of way and on the network as a whole;

There is local resistance to closure of the crossing – one observation has been that the crossing shouldn't close due to the impact on parking in the locality, given there is a convenient private car park owned by the public house adjacent to the crossing (which recently installed ANPR technology). This view disregards the risks users are exposed to at the crossing.

It is understandable that as the route is popular with the local community there is a reluctance to it being permanently closed off; however, there are two other public rights of way in the vicinity that also provide access to the same location. The additional distance for a user if the public right of way is extinguished and the crossing is closed varies depending on the origin and destination of a user. As an example, if a user starts their journey at the junction of Chestnut Grove and Church Road to the north, the existing journey over the crossing is approx. 155 metres. The alternative route alongside Church Road down Trent Lane (via Trent Gardens public bridleway level crossing) and returning to the path at the same point on the south side of the railway is approx. 689 metres resulting in an extra 534 metres (approx. 7 minutes extra journey time based on a walking time of 1.3m/s). For other users, this distance could be slightly more while for others it would be slightly less.

Albeit the closure would increase journey distance/time for users, the river route south of the railway is primarily used for leisure purposes; while there will admittedly be some inconvenience for some users, for others it will form part of what is already a long distance walk and for this reason it is not considered that closure of the level crossing would have a significant adverse effect on the wider public right of way network

Trent Gardens level crossing (north-east of Chestnut Grove) provides step-free access to the same river path and has a miniature red-green warning light system to warn users of approaching trains. The proximity of Burton Joyce railway station currently precludes use of the same warning light system being installed at Chestnut Grove level crossing. While trials are underway for a different system, this is not yet product approved and there is not a timescale for this option. It is therefore not currently an option at Chestnut Grove.

South-west of Chestnut Grove crossing is an underbridge (railway reference NOB1 Bridge 30) through which a public footpath is scheduled. It is noted that the underpass does have steps and as such it has limitations for some users but noting there is little to no use made of Chestnut Grove level crossing by people in wheelchairs and with another route being step-free and with the availability of other step-free routes, there is not considered to be any discrimination.

Chestnut Grove crossing is one of four access points to the riverside path with 3 other routes still available users, a circular route is still retained if the crossing is closed, one of which (using Trent Gardens public bridleway to the north and Stoke Lane public highway to the south) is step-free.

When considering the safety of the alternative route, people can use a side road to walk between Chestnut Grove and Trent Lane which sees considerably less traffic than the busier adjacent Church Road. Network Rail is instructing an independent road risk

assessment of the alternative route where it is on a public carriage road to determine if there is any increased risk to users as a result of the crossing being closed and what if any mitigation would be needed to address any increase in risk. Network Rail would not expect to address any existing safety conditions on these routes and the risk assessment will focus on any increased risk if an extinguishment order was confirmed.

(iv) the opportunity for taking alternative action to remedy the problem such as a diversion, bridge or tunnel, or the carrying out of safety improvements to the existing crossing;

Extensive investigations have been undertaken into alternative action that could be implemented to address the issues at Chestnut Grove. At least 18 different options have been explored and most have been discounted on the basis they will not fully address the issues at the crossing. Options include widening of the crossing gates and deck, installation of an integrated miniature warning light system, installation of magnetic locks ('Maglocks') and CCTV monitoring and a line speed reduction.

An internal Hazid meeting was also held in October 2024 to reconsider the options previously explore and also consider if a multitude of small interventions could collectively address the issues identified at Chestnut Grove. It was collectively agreed that the only real way of addressing all the risks at this level crossing was to pursue it's permanent closure.

The option to provide a bridge has been considered but would require the purchase (or compulsory purchase) of land. Further, if a ramped bridge was required the ramps of the bridge with a return either side would likely total circa 500 metres in walking distance plus a central span. On balance, against the 500+ metres on an incline to get up, over and down to cross the railway via a bridge against a largely flat existing route of circa 586 metres, a bridge option is not considered the most appropriate solution.

(v) the estimated cost of any practicable measures identified under (iv) above; and

The cost of a bridge option varies at between £2,000,000 and £4,500,000 – this does not take into account the requirement to purchase land either by agreement or with a transport and works order. With the availability of alternative nearby routes, the cost of the footbridge option is considered to be disproportionate.

Installation of integrated miniature stop lights would be approximately £1,500,000 but has been discounted as it would not eliminate all risk at the crossing. The provision of Maglocks and CCTV would be in the region of £300,000 but this has also been discounted.

(vi) the barriers and/or signs that would need to be erected at the crossing or the point from which any path or way is to be extinguished, assuming the order is confirmed.

Very little work is needed if the path over the crossing is extinguished – fencing (likely palisade) would be erected on both the north and south side to block access to the crossing approach and to secure the railway boundary.