
REPORT TO:	Community Services Committee	AGENDA ITEM: / /
DATE OF MEETING:	11 April 2002	CATEGORY: DELEGATED
REPORT FROM:	Chief Executive	RECOMMENDED OPEN PARAGRAPH N/A
MEMBERS' CONTACT POINT:	Estates Officer Economic Dev. Dept.	Ext. (5777)
SUBJECT:	Proposed Rail Crossing, Ivy Close, Willington.	REF: WN/EM/L/012
WARD(S) AFFECTED:	Willington	TERMS OF REFERENCE: CS01

1 Recommendations

1.2 Members are asked to authorise the Economic Development Manager to grant an easement in favour of Railtrack to enable the construction of a pedestrian underpass at Ivy Close, Willington.

2 Purpose of Report

2.1 To obtain approval to grant access over council owned land, with incumbent liabilities.

3 Executive Summary

- 3.1 The authority have been approached by a consultant from Railtrack who are contracted to undertake significant upgrade works to pedestrian railway crossings on the West Coast Mainline. These improvements include abolishing over line pedestrian rail crossings and replacing them with a safer alternative.
- 3.2 Railtrack have submitted a proposal to remove the current over-line crossing achieve this, Railtrack propose to construct an underpass under the railway to enable pedestrians to pass beneath the live tracks.
- 3.3 The scheme has been granted Planning Permission (Reg. Number 9 2001 1187) subject to conditions. These conditions deal with the majority of those concerns raised below, some of which have resulted from an internal consultation exercise that was undertaken as part of this process. Outstanding issues are discussed at para. 4.6 & 4.7 below.
- 3.4 Railtrack wish to acquire the right for pedestrians to cross over council owned land (approximately 12 Sq M, as shown on map number one below. To enable this, Railtrack has proposed that a permanent easement be granted over the land and have offered a one-off sum towards council's maintenance costs of £1,000.

3.5 In addition to the request for permanent access over the land as shown on the plan, Railtrack have also requested temporary use of land currently in council ownership. This temporary access is for a period of approximately 12 weeks, starting sometime in autumn 2002. Railtrack have offered £1,000 for the use of this land up to 12 weeks and £100 per week thereafter if necessary. A copy of the proposed agreement is shown at appendix number three.

4 Details

- 4.1 The council currently own land known as Castleway Lane, Willington, Derbyshire. This land extends to approximately 1.96 acres (in two parcels) and is owned freehold. The land was purchased on 28 March 1963 at a cost of £5,100, under powers vested in this authority by the Housing Act 1957.
- 4.2 The land includes a lease to East Midlands Electricity Plc for the siting of a sub-station.
- 4.3 The land is the responsibility of the community services committee.
- 4.4 Following a request from TGP & Partners, the council granted a temporary licence to undertake soil investigations and take bore hole samples, this has now expired and no problems have been identified.
- 4.5 Following the investigations mentioned above, Railtrack have proposed a major scheme of alteration to the existing pedestrian railway crossing. This scheme will involve the diversion of a footpath (permission is being sought by Railtrack from the County Council), excavation and removal of associated spoil, insertion of a pre-cast concrete tunnel to create an underpass, construction of a culvert over a water course, creation of a tarmac footpath over grassed areas and the temporary use of land close to this area to use for the storage of materials and plant associated with the intended works.
- 4.6 An internal consultation exercise (which included the local Council Member) was undertaken and several objections were noted, including:
- The congregation of youths in the vicinity of the completed underpass;
 - Vandalism possibly resulting from the congregation as mentioned above;
 - Ensure the flow of water and the maintenance of the watercourse where effected;
 - Maintenance of the subway, i.e. clearing leaves, litter, etc;
 - Maintenance of the tarmac footpath and other built areas for the remainder of their useful lives;
 - Disruption caused during the temporary occupation of land used for storage;
 - Possible environmental impact upon wildlife during and following completion of the project;
 - Specific method statement provisions during the works, i.e. contact telephone numbers, security of areas and contamination of watercourses, traffic impact, noise nuisance, should be provided by the Contractor;

4.7 Railtrack were approached following the initial consultation exercise, to highlight council concern over some of the above issues. They subsequently provided more details and have managed to address the majority of the issues in a Planning Application made. However issues still unresolved include:

- The maintenance of the watercourse and other future liability is still unresolved. Railtrack have offered to pay a commuted sum of £1,000 at commencement of the agreement. This sum is offered to cover all future maintenance of the footpath and no reference to other areas has been made. Railtrack have been asked to clarify what they propose in relation to these other matters.
- The disruption to the local community, traffic and noise issues surrounding the temporary use of the land opposite the development. Railtrack's contractors, Birse Rail, have submitted a draft licence for council approval. Birse Rail have indicated verbally that all these issues will be fully addressed in the *method statement* which will be submitted for approval prior to works commencing.
- The impact upon wildlife is referred to in the Planning Permission and is an issue that will need further investigation by the relevant body.
- The area currently has a timber bridge over the watercourse, maintenance of which is understood to be council responsibility. To date there has been no mention of Railtrack's intention regarding the existing overpass and ancillary equipment, although it is envisaged that this will be removed when the footpath is extinguished.

5 Financial Implications

- 5.1 The current proposal is that Railtrack will pay £1,000 in lieu of them being absolved from all future maintenance liability of the tarmac footpath. Internal consultation has not identified any objections to this level of compensation.
- 5.2 Birse rail have offered to pay £1,000 for temporary occupation of parcels of land shown on plans below, in addition they have offered to pay £100 for every week that they occupy the site after 12 weeks. Again, no objections have been made as to the level of compensation.

6 Corporate Implications

- 6.1 The implications of not agreeing to this National Scheme could be adverse publicity resulting from the authority being seen as hindering safety improvements.
- 6.2 The authority could find that it is responsible for onerous maintenance/replacement liability in the future, although a properly drafted agreement should minimise these.

7 Community Implications

- 7.1 The consensus is that this underpass would provide a benefit to the local community, albeit once the construction phase is completed.

8 Conclusions

8.1 Generally, the scheme itself is not opposed, although reservations have been expressed regarding the works and associated future maintenance issues. If these could be amicably resolved, then the project may in fact benefit the community in the long term.

9 Background Papers

9.1 Photographs of existing situation

9.2 Map of the site area.

9.3 Plan numbers B101028/15/001 & 002 & 003.

9.4 Planning Permission number 9 2001 1187

9.5 A copy of the proposed agreement from Birse