

PROPOSED PUBLIC PATH ORDER

PARISH: Tutnall and Cobley / Lickey

FILE REF: D589

PATH: TC-504 / LK-524

DATE: 31 May 2023

LOCAL MEMBER: Councillor Mr Kit Taylor

Order applied for:

STOPPING UP OF FOOTPATH TC-504 (FORMERLY FOOTPATH 1) IN THE PARISH OF TUTNALL AND COBLEY AND FOOTPATH LK-524 (PART) (FORMERLY FOOTPATH 61) IN THE PARISH OF LICKEY

Applicant:

Network Rail

Baskerville House
Centenary Square
Broad Street
Birmingham
B1 2ND

Director of Business, Environment and Community Report:

Network Rail has made application under section 118A of the Highways Act 1980 to stop up public right of way which would allow closure of a publicly used rail level crossing.

The application is to stop up the public right of way Tutnall and Cobley footpath TC-504 which crosses railway lines at the Blackwell public level crossing located to the North of Bromsgrove Station in Blackwell, Bromsgrove, Worcestershire and stop up of the continuation of the public right between the railway crossing and the junction with Fairways Drive, Lickey footpath LK-524 (part).

The above public right of way are currently closed under a Temporary Closure Order effective to February 2026.

Network rail is seeking to stop public access over the railway line following the Birmingham to Bromsgrove Electrification Project. The line has been electrified with the installation of 25kV AC overhead line equipment (OLE). Stanchions have been erected within Network Rails operational land to support the overhead power lines. The stanchions have a limited separation distance and restrict the sighting distances available for users of the crossing and electrification has increased line speed and frequency of services on the line running quieter electrified trains. Network Rail has carried out a risk assessment (RA) of the crossing following changes to the rail network and grades the crossing to be unsafe for public use.

Stopping up footpath TC-504 would result in the continuation of the public right from the railway crossing to Fairways Close, part of footpath LK-524, being a being a cul-de-sac which is unlikely to be used.

Network Rail has considered several options to improve safety at the Blackwell rail crossing. It has been determined that none of the alternatives to closure of the crossing are viable.

Further information concerning the reasons for Network Rail seeking to stop up of the public right of way is provided in the Statement of Grounds (copy attached).

The proposal has been out to consultation with the User Groups, District Council and Parish Council and has received indications that an order would be subject to objection.

It appears to the Council expedient in the interests of the safety of members of the public using it or likely to use it, that the footpath which crosses the railway, Tutnall and Cobley footpath TC-504, should be stopped up

It appears to the Council expedient the length of public right, Lickey footpath LK-524 (part), from the crossing to its intersection with another highway, Fairways Drive, Blackwell, be stopped up.

It is considered stopping up of the right of way is expedient as it is not reasonably practicable to make the crossing safe for use by the public.

Network Rail are prepared to enter into an agreement with the Council to erect and maintain appropriate barriers and signs on the route of the footpath.

It is considered that the proposal would satisfy the criteria for making an Order under Section 118A of the Highways Act 1980.

The Director of Economy and Infrastructure supports the making of the Order.

Views of Local Member:

Date:

* **I agree to the making of the Order**

* **I do not agree to the making of the Order**

Signed **Local Member**

To the Head of Legal and Democratic Services:

Date:

* **I authorise the making of this Public Path Order**

* **I do not authorise the making of this Public Path Order and will report to the Planning and Regulatory Committee**

Signed

Public Rights of Way Mapping Manager