



Order Decisions

Site visit made on Monday 16 September 2024

by Mrs A Behn Dip MS MIPROW

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

Decision date: 16 October 2024

Order Ref: ROW/3319358

Creation Order

- This Order is made under Section 26 of the Highways Act 1980 and is known as the Lincolnshire County Council Creation of Public Footpath numbers 1092 and 1093 Tallington Public Path Creation Order 2014.
- The Order is dated 14 January 2014 and proposes to create two public footpaths as shown on the Order Plan and described in the Order Schedule.
- There were no objections outstanding when the Lincolnshire County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is confirmed.

Order Ref: ROW/3319359

Extinguishment Order

- This Order is made under Section 118A of the Highways Act 1980 and is known as the Lincolnshire County Council Two Non-Definitive Footpaths and Part of Public Footpath numbers 1,2 and 4 Tallington Rail Crossing Extinguishment Order 2014.
- The Order is dated 14 January 2014 and proposes to extinguish the non-definitive footpaths and parts of the public rights of way as shown on the Order plan and described in the Order Schedule.
- There was one objection outstanding when the Lincolnshire County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is confirmed.

Order Ref: ROW/3319360

Diversion Order

- This Order is made under Section 119 of the Highways Act 1980 and is known as the Lincolnshire County Council Part of Public Footpath number 2 Tallington Public Path Diversion Order 2014.
- The Order is dated 14 January 2014 and proposes to divert part of the public footpath as shown on the Order plan and described in the Order Schedule.
- There was one objection outstanding when Lincolnshire County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is confirmed.

Order Ref: ROW/3319361

Diversion Order

- This Order is made under Section 119 of the Highways Act 1980 and is known as the Lincolnshire County Council Part of Public Footpath number 3 Tallington Public Path Diversion Order 2014.
- The Order is dated 14 January 2014 and proposes to divert part of the public footpath as shown on the Order Plan and described in the Order Schedule.
- There was one objection outstanding when the Lincolnshire County Council submitted the Order to the Secretary of State for Environment, Food and Rural Affairs for confirmation.

Summary of Decision: The Order is confirmed.

Preliminary Matters

1. I made an unaccompanied site visit of the Order routes on 16 September 2024 when I was able to walk or view all of the paths, with the exception of the footpath crossings across the railway. The crossing points are currently closed under a Temporary Traffic Regulation Order (TTRO), with fencing having been erected across the paths at their entry and exit points from the railway track and the decking across the line removed.
2. In writing this decision I have found it convenient to refer to points marked on the Order Maps and I therefore attach copies of these maps.

Background

3. The footpaths that are the subject of the Orders before me are located in the Parish of Tallington in Lincolnshire. The footpaths form two linear routes running generally parallel to each other, a few hundred metres apart. Where the footpaths cross the railway line, they do not appear on the Definitive Map, albeit it is accepted by parties that public rights exist on the crossings themselves.
4. An Extinguishment Order and Creation Order were originally made by Lincolnshire County Council (the Council) in 2005, following an application by Network Rail (NR). However these were abandoned in favour of the current, more extensive suite of Orders made in 2014. There is one outstanding objection to the 2014 Orders, from Mr Padley of the Lincolnshire Fieldpaths Association (the objector).

The Main Issues

5. Confirmation of the Creation Order would turn two existing footpaths into public rights of way (FP1092 and FP1093). With one situated on each side of the railway, the paths ultimately link to the A1175 Main Road, where there is an existing vehicular level crossing over the railway line.
6. Confirmation of the Extinguishment Order would stop up very short sections of Public Footpaths 1 (FP1), 2 (FP2), and 5 (FP5) which lead to the railway crossings. The Order would also stop up a longer stretch of Public Footpath 4 (FP4) that also leads to the crossings, and the non-definitive footpaths that cross the East Coast Main Line (ECML).
7. Confirmation of the Diversion Order for part of FP2 would move a section of that footpath to a field headland position. This could only be confirmed if both the Creation and the Extinguishment Orders are confirmed.
8. Confirmation of the Diversion Order for Public Footpath No.3 (FP3) would move that footpath closer to the level crossing and could be confirmed independently of the other Orders.

Legislation

9. Under Section 26 of the Highways Act 1980 (the 1980 Act), if I am to confirm the Creation Order, I need to be satisfied there is a need for the footpaths and that it is expedient that they should be created having regard to:
 - a) the extent to which the paths would add to the convenience or enjoyment of a substantial section of the public, or the convenience of persons resident in the area; and

- b) the effect which the creation of the paths would have on the rights of the persons with an interest in the land, with account being taken of the provisions for compensation.
10. Under Section 118A of the 1980 Act, if I am to confirm the Extinguishment Order, I need to be satisfied that it is expedient to extinguish the footpaths over the level crossings, having regard to all the circumstances, and in particular to:
- a) whether it is reasonably practicable to make the crossings 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.
11. I must have regard to 'all the circumstances' and these could include the use currently made of the existing paths, the extent to which the Creation Order would provide alternative ways, the risk to the public of the continuing of such use, the effect the loss of the paths would have on users of the public rights of way network as a whole, the options for alternative measures and the relative cost of such measures.
12. Under Section 119 of the 1980 Act, If I am to confirm the Diversion Orders, I need to be satisfied that:
- a) it is expedient, in the interests of the landowner, the occupier or the public, that the footpaths should be diverted.
 - b) the new rights of way will not be substantially less convenient to the public.
 - c) any new termination points will be substantially as convenient to the public.
 - d) it is expedient to confirm the Orders having regard to the effect which:
 - (i) the diversions would have on public enjoyment of the ways as a whole.
 - (ii) the coming into operation of the Orders would have, in respect of other land served by the existing paths; and the land over which the new rights of way would be created, together with any land held with it.
13. Consideration should also be given to any material provision of a Rights of Way Improvement Plan (ROWIP) for the area, the Public Sector Equality Duty (PSED), the needs of agriculture and forestry, and the desirability of conserving flora, fauna geological and physiographical features.

The Creation Order

The need for the proposed paths

14. FP1, FP2, FP4 and FP5 run in a generally northeast to southwest direction. FP1 and FP2 form a linear route across the railway by means of a non-definitive footpath crossing link. FP4 and FP5 form another linear route via a different non-definitive footpath crossing. The two linear routes run parallel to each other, a few hundred metres apart, but do not connect.
15. The Creation Order would provide new public footpaths on either side of the railway line. To the west of the railway FP1092 would be a trackside path with two forks, linking with FP1 at point A on the Order Map and with FP4 at point E. The trackside

section of the path would provide a link to the A1175 main road close to the level crossing at Point I. To the east of the railway FP1093 would provide another trackside path connecting to FP3 and FP2 at Point D, and FP5 at point H.

16. The proposed routes would provide lateral links between the two linear routes where there were previously none, as well as forming new circular routes on each side of the railway. I am therefore satisfied that there is a need for the proposed footpaths.

The extent to which the paths would add to the convenience or enjoyment of the public or the convenience of residents

17. The proposed footpaths would add to the enjoyment of the public through the provision of additional circular walking routes. These extra routes would offer the convenience of safe, traffic free recreational walks that do not require crossing the railway line.
18. For those that wish to use the rights of way network to travel from Tallington to West Deeping, the new paths offer connectivity to cross the railway at the public vehicular level crossing with its adjoining footbridge, a choice not previously available to users of FP1, FP4 and FP5.
19. As pointed out by the Council, there would also be the added convenience for those using FP5 from the direction of West Deeping, in being able to access the public house and other nearby facilities east of the ECML, without crossing the railway. To the west of the track, the Council consider there would be benefit to local residents living at the northern reaches of Tallington, wherein they could access local facilities such as the village hall and children's play area without the need to walk along the main road.
20. Accordingly I am satisfied that the proposed footpaths would add to the convenience and enjoyment of the public and local residents.

The effect on persons with an interest in the land

21. The proposed footpaths affect land owned by NR and two other parties, who have all consented to the Creation Order.

Conclusions on the Creation Order

22. I consider there is a need for the proposed footpaths and that they will add enjoyment and convenience to those using the network. The affected landowners are all in consent with the Creation Order and as such I consider it expedient for the paths to be created.

The Extinguishment Order

23. As outlined above, FP1 and FP2 link by means of a non-definitive footpath crossing the railway, with FP4 and FP5 also connecting to each other via a different non-definitive footpath crossing the railway a little further to the south east. The Extinguishment Order proposes to extinguish both crossing points, notated as points B-C and G-H on the Order Map. The Order also seeks to extinguish short sections of FP1 (points A-B) and FP2 (points C-D) that form the approach to the

more north westerly crossing point, as well as a longer section of FP4, shown as points E-F-G on the Order Map.

The extent to which the Creation Order would provide alternative ways

24. The proposed alternative footpaths are already in situ and securely fenced off from the operational railway. The surfaces are predominantly unmade and the ground generally level. There are pedestrian gates on the trackside route to the west of the railway. To the east of the railway on the proposed trackside path, there is a small wooden bridge over a dry ditch followed by a stile with a narrow gap, which will be replaced by a gate. Being a rural network across agricultural farmland and pasture, I do not consider the surfacing or furniture on the alternative routes to be any less convenient to the public.
25. The alternative routes would connect the severed ends created by the Extinguishment Order, on both sides of the railway, and facilitate access to the A1175, close to a public vehicular CCTV controlled level crossing with delineated footways. The level crossing additionally has a stepped footbridge over the railway, on the opposite side of the road to the alternative ways, for those that would wish to use it.
26. The objector, albeit understanding the desire of NR to remove the crossings, felt that such measures effectively destroyed the nature of the footpaths as direct through routes. I agree that the convenience of the directness of the routes would be lost, although the alternative routes do offer onward travel via the level crossing for those that wish to use the network as a rural through route from Tallington to West Deeping.
27. It is undoubtedly the case that the alternative paths would increase the length of the journey of those wishing to travel between West Deeping and Tallington. Those using FP1 / FP2 would experience an approximate 400 metre additional journey and those using FP4 / FP5 would add approximately an additional 1km to their journey. Whilst this extra distance weighs against the Extinguishment Order, it is not excessive when considering the overall distance that would be walked when travelling between the villages. The footpath network at this location is very rural in nature, and use is likely to be predominantly recreational in purpose rather than for commuting. As such the additional length, albeit less convenient, is not significantly less so, given its setting. It must also be weighed against the ability to travel safely, which is discussed below.

Whether the current crossings are safe

28. The crossings in question are located on the ECML to the north east of Tallington, on a shallow left hand bend. Both crossings span four tracks of what NR describe as high speed InterCity operational lines that carry circa 230 trains over a 24 hour period. In addition to this there are unscheduled ad-hoc movements of empty stock trains, special trains and engineering trains. Speeds of the trains vary significantly between 80mph to 125mph and there is an aspiration by NR to increase the line speed to 140mph.
29. The pedestrian crossing points over the railway are 'passive' which rely on those using them to 'stop, look, and listen.' The crossings are not controlled and there are no audible warning systems to advise of oncoming trains. London North Eastern Railway (LNER) who operate 160 trains per day on this section of railway,

expressed that this was unlikely to have been an issue many years ago when trains were less frequent and speeds were considerably lower. However, use of the railway has dramatically increased in recent times and the significant number of trains on the lines and the variation between the speeds travelled, allow no margin for error when crossing this section of railway.

30. There is no census data for use of the footpaths crossing the railway line for the time prior to the crossings being closed by the TTRO in 2011, albeit NR stated, 'that it was known actual usage at that time was extremely light.' A two week long census was undertaken in May 2024 of one of the paths on the western side of the railway that leads from FP1 and FP2 to the main CCTV controlled level crossing, which is the only remaining location to cross the railway in the locality. The census showed use by a single pedestrian, which I consider to be very low. This accords with my site visit when I walked all of the paths but noted only one person using them, on what was a warm, dry and sunny day.
31. NR use the census data to feed into an application called All-Level Crossing Risk Model (ALCRM) to provide a consistent method of assessing safety risk at level crossings. It incorporates a quantitative and qualitative approach to achieve a rounded and balanced analysis of risk. It has been developed through extensive research and a collaborative partnership between NR and the Rail Safety Standards Board.
32. The most recent risk assessment for the crossings before me, determined an ALCRM Risk Rating of B10. The letter represents the risk to an individual per traverse. A represents the highest risk and M the lowest. The number represents the collective risk based on total harm or safety loss with 1 representing the highest risk and 13 representing no risk. NR pointed out that this risk rating was assessed on use by a non-vulnerable, unencumbered single pedestrian as per the census and that just a minimal increase of use would increase the risk factor exponentially. They considered that should the crossings be reopened, it would be likely that vulnerable or encumbered users such as dog walkers would cross the track and that this would need to be taken into consideration.
33. Although the crossings might appear to have reasonable sight lines, they are located on a sweeping curve, giving the user minimal sighting of approaching trains. At 125mph a train covers approximately 56 metres per second. From the shortest sighting distance, a train takes 6 or 9 seconds to reach the crossings, yet a fit and healthy person requires 17 seconds to cross the rails, with vulnerable users such as those with mobility issues and dog walkers requiring longer.
34. Accordingly, for trains travelling at 125mph, the sight lines are judged as non-compliant with the Railway Inspectorate 'Principles and Guidance for Footpath and Bridleway Level Crossings'. As a result the crossings have been closed since 2011 by a TTRO due to concerns for public safety. NR noted that there were very few complaints received following the temporary closures and I note that no objections to the Extinguishment Order were received from the local residents or the Parish Council.
35. The sight lines at the crossings could be further reduced by rain, fog, snow, and sun-glare and the variations in speed of the trains can make it more difficult for path users to judge the speed. Slower trains might also encourage impatience and the

risk of users crossing the rails having misjudged the speed at which the train is travelling.

36. Hidden trains can also be a risk to public safety. With 4 lines to cross, the risk of hidden trains on these two crossings is tripled when compared to twin track formations. During my site visit I observed two instances where two trains crossed and my view is that this is a significant risk when considering that hidden trains have been the cause of many near-misses and actual fatalities. During my site visit I also noted four occasions where the level crossing barriers were lowered less than a minute after having been raised, for yet another approaching train.
37. When combining the sighting issues, the ALCRM risk rating and the inevitability of it rising sharply should just a few users cross the track, the limited crossing times, the number of trains and the train speeds on these four track crossings alongside the significant risk of hidden trains, I consider the two pedestrian railway crossings present a notable safety risk to the public.

Whether it is reasonably practicable to make the crossing safe for use by the public

38. The objector felt that there were a number of possible steps to reduce risk at the pedestrian crossings and that these would need to be considered in relation to the nearby vehicular level crossing, with the dangers looked at as a whole. He felt that some measures that make one safer, make both safer but did not expand in his formal objection on what these measures might be.
39. NR have considered various mitigations to reduce risk at the crossings, 'so far as is reasonably practical.' Critically, mitigations undergo a Cost Benefit Analysis and a Gross Disproportionality Test to determine whether the cost of implementing a mitigation is grossly disproportionate to the reduction in risk achieved.
40. Straightening and widening of the deck, with improved approaches were evaluated by NR. Improved approaches through keeping the sight lines free of vegetation growth were a measure suggested by the objector, however even with vegetation clearance, sightlines on some approaches to the crossings would remain impeded by the curvature of the line itself. Although a wider deck would enable users to pass each other more easily, this would also require wider gates which would allow the crossing to be accessed by horse riders, motorbikes, and quad bikes, leading to an increase in risk. Straightening of the deck would offer only very limited risk reduction as the deck must cross 4 lines making it very long, with no position of safety until fully crossed. Such mitigations would not remove the risk of human error which is not within the rail industry's capabilities to solve.
41. Additional signage or illuminating the crossings with low level stud lighting, in what is an otherwise dark and rural environment with likely little or no usage at night, was assessed as not reducing the risk factor in any significant way.
42. Audible warning measures for the crossings were also considered by NR but were discounted. Whistle boards need to be fitted 400 metres from a crossing in order to be heard. At the Tallington pedestrian crossings the whistle boards would need to be erected 950 metres from the crossing to provide the appropriate warning time and as such the train horns would not be heard. Supplementary audible warning devices would give an audible warning at the crossing when a train passes a whistle board. However, they can only be installed with a whistle board. There is no

way for users of the crossings to tell if the audible warning systems are not working and they can be a target for vandalism which makes their efficiency questionable.

43. Miniature Stop Lights (MSL) could be installed at either crossing to give an audible and visual warning where the sighting is deficient. However, due to the crossings being over a 4 track railway, the cheaper overlay MSL cannot be used. The more expensive integrated MSL would cost at least £1 million for each crossing, but the cost-benefit analysis determined this would be disproportionate to the benefits it would give for such lightly used crossings. NR further considered that the complete elimination of risk by using the alternative routes was grossly more proportionate than a partial reduction in risk from installing MSL's.
44. Another mitigation would be to reduce the line speed, however reducing the line speed on what is the fastest and most heavily used rail line in the Country would cause delays to train services on the line and have an effect on services throughout the North East, East Coast, and up to London. NR advised that the operational efficiency of this strategic railway line needs to be maintained and Government expectation is that line speeds should be maintained, services and capacity increased and journey times reduced. Therefore, this is not considered to be reasonably practical.
45. The objector accepted that there was not a need for both crossing points as they are situated relatively close to each other, but considered that it was necessary for one of the crossing points to be retained. He felt that this would achieve a cost saving and commented that he would be supportive of any suitable path diversions to realise a single optimum crossing point.
46. The option of aligning the paths to afford a single crossing point of the railway was a mitigation that NR considered, with a bridge or subway then being installed at that location. However the costs of a stepped footbridge at £2.5 million, a ramped footbridge at £5 million and a subway at £8 million are again heavily disproportionate and a substantial cost to the public purse. To allow for safety margins should a train derail, the footprint of the bridge would have to extend outside of NR's land ownership, necessitating purchase of third party land and adding further costs. There would also be significant disruption to the ECML and local residents during the construction phase. When weighed against the very low user base of the footpaths, I consider that such costs are not justifiable.
47. Taking into account all of the mitigations examined above, I consider it is not reasonably practicable to make the crossings safe for use by the public.

Arrangements for appropriate barriers and signs to be erected and maintained

48. At the time of my site visit, the crossings were securely fenced and closed off, with the decking removed. NR have undertaken to provide and maintain all signs and barriers in the event that the Extinguishment Order is confirmed and I am therefore satisfied in this respect.

Other Considerations

49. The objector felt that the alternative routes proposed involved their own specific dangers due to walkers having to cross the railway on foot across a busy level crossing, or alternatively cross the road twice in order to use the adjoining footbridge which has steep steps.

50. Although the footbridge is located on the other side of the road, I do not consider that there is a significant degree of risk in crossing the road. I noted on my site visit that the vehicular level crossing was often queued with stationary cars, albeit this was not due to the road being busy, but more to the number of times the barriers were lowered due to the high frequency of the trains.
51. LNER advised that CCTV level crossings, such as the one at Tallington, are the safest type of level crossing that currently exist on the GB mainline railways and I have been given no reason to doubt this assertion. LNER recognised several years ago that the level crossing barriers would be closed for a significant percentage of time within every hour. The reason the footbridge was provided, was so that pedestrians need not wait at the level crossing for any length of time.
52. However it is not a necessity for users to cross the road and use the footbridge. There is a delineated at grade footway adjacent to the road at the level crossing, on the same side as the alternative route. The cars were queued and slow moving when the barriers were raised, and on my site visit I did not feel at any risk from vehicles whilst using the footway at the level crossing. When I returned and used the same footway, the barriers were already raised and traffic numbers were light.
53. The Council, in response to the objector's concerns, did not accept that pedestrians using the barrier controlled level crossing would be subject to greater danger than using the footpath crossings, where there were no barriers, deficiencies in the sightlines due to the curvature of the line and further reduced visibility in poor weather conditions. To support their view, they undertook a Road Safety Assessment of the level crossing and pedestrian crossings. The assessment determined that due to a number of reasons, including the 30mph speed limit on the road and the low number of pedestrians using the network, that any risks in using the level crossing were significantly less than the risk of using the pedestrian crossings. The assessment also noted that as of May 2022 there had not been any reported incidents involving pedestrians in the vicinity of the level crossing in the previous 5 years.

Conclusions on the Extinguishment Order

54. From the evidence submitted and my site visit, I consider that the pedestrian crossings are unsafe. The costs of providing mitigation measures on either one or both crossings is grossly disproportionate to the net benefit achieved, when weighed against the very low use of the footpaths. Additionally, even should some of the lesser mitigations have been cost effective, this would not reduce the safety risk to an acceptable level when considering the sight deficiencies caused by the curvature of the track, the frequency and speed of the trains along a four line track formation with the aligning risks of hidden trains, and unmitigable human error.
55. Although the alternative paths would involve additional walking and are a less direct route for those wishing to use the network as a through route, it is my view that the CCTV controlled level crossing that they lead to and from, is a safe and practical measure to eliminate the risks to the public.
56. I am therefore satisfied, having regard to all circumstances, that it is expedient to extinguish the footpath crossings across the railway.

The Diversion Orders

57. The Diversion Orders are part of a wider proposal to provide better connections for the footpaths that currently exist in the locality of the proposed Creation and Extinguishment Orders considered above. Whilst the proposed diversion of FP3 could be confirmed independently of the Creation and Extinguishment Orders, the partial diversion of FP2 would be dependent on the confirmation of the Creation Order, for the purpose of forming a connection to FP1093.
58. Although the objector stated an objection to the diversions, he appeared to make no specific comments in this regard.

Whether it is expedient in the interests of the landowner, the occupier, or the public that the rights of way should be diverted

59. FP2 and FP3 are both cross field paths on the eastern side of the railway track. The paths run diagonally across arable land and diverting these paths to headland routes would allow better cultivation and management of the fields that the paths cross. Diversion of the paths would also negate the need to reinstate the routes on their current alignment during the cultivation period. I therefore consider it expedient in the interests of the landowner that these paths be diverted.

Whether the new rights of way will not be substantially less convenient to the public

60. The length of FP2 to be diverted (points D-P) is approximately 444 metres, with the proposed diversion (points M-Q-P) being 402 metres in length. Albeit the diversion would appear to be shorter, the additional travel along the proposed creation route FP1093 to reach point D adds a further approximately 200 metres to the distance travelled. This makes the diversion slightly longer, but not substantially less convenient when considering overall distance travelled on a rural walk.
61. The current route of FP3 is 178 metres in length (points N-D). The proposed diversion (points O-D) measures 173 metres. The proposed diversion would bring the path 100 metres closer to Tallington and is more convenient to users wishing to use the network as a through route to West Deeping.

Whether any new termination points are substantially as convenient to the public

62. The eastern termination of FP2 (point P) is unaffected, whilst the western end would terminate approximately 200 metres to the south east of its current intersection with FP3. Albeit this might be a slightly less convenient termination point for those wishing to travel directly to Tallington or West Deeping, it would be substantially more convenient for those wishing to access FP1093 and FP5 (should the Creation Order be confirmed).
63. The southern termination of FP3 (point D) is unaffected, whilst the northern termination moves north westerly on the same highway, terminating close to the public vehicular level crossing at Tallington. Whilst marginally less convenient to those travelling from a northerly direction, the new termination is more convenient for those travelling from all other directions.

The effect of the diversions on public enjoyment as a whole

64. The proposed diversions would provide clear delineated routes using field headlands as well as linking in and providing new circular walks east of the railway

line with FP5 and FP1093, should the Creation Order be confirmed. The diversion of FP3 in particular, provides better connections with the surrounding right of way network. The new termination point of FP3 where it meets the A1175, is much closer to the level crossing and within a restricted 30mph zone, rather than its original termination in a national speed limit zone with no footway.

The effect the coming into operation of the Order would have with respect to other land served by the existing rights of way and the land over which the new rights of way would be created

65. No issues are raised which suggest that the diversions would have any adverse effect on the land served by the existing routes, or on the land over which the alternative routes would be created.

Conclusions on the Diversion Orders

66. The proposed diversions are clearly in the interest of the landowner to allow more efficient farm practices and for the public are more practicable and easier to identify and follow. I consider that the proposed routes are not substantially less convenient to the public and that any new termination points overall, are more convenient. The routes remain in a rural setting and there is nothing to suggest that public enjoyment would be affected by the diversions, which are relatively minor in nature and serve to better connect the existing network to the east of the railway line.

67. I therefore consider it expedient to divert the footpaths.

Consideration of the Orders in light of any material provision contained in the ROWIP

68. The ROWIP for the area established that the rights of way network was primarily seen as a recreational resource and that there was a strong preference for short circular walks close to where people lived. It was concluded that improvement of the network should concentrate on creating a better connected network of paths and making the network safer by improving crossing points for vulnerable users.

69. The Council carried out an audit of the locations where public rights of way meet and cross A-roads, trunk roads and railways as part of the ROWIP implementation. The audit identified the public footpath crossings in Tallington as being potentially hazardous to path users and suggested further investigations into measures which would improve safety.

70. I therefore consider that all of the Orders align with the relevant aspirations of the ROWIP.

Public Sector Equality Duty

71. The proposed alternative routes are generally level and in a similar condition to the existing footpath network. There are two pedestrian gates on the proposed paths west of the railway and a wooden bridge and stile with a narrow gap on the eastern side of the track. Such furniture is to be expected on land where livestock are

grazed to prevent egress and I observed similar furniture on other existing paths in the locality.

72. The risks associated with the pedestrian railway crossings would no longer need to be negotiated, with the vehicular level crossing being far easier for more vulnerable or encumbered users to cross.
73. The proposed diversions offer a better surface for walking than the cropped fields they currently cross and are easier to follow. Additionally the new termination of FP3 exits into a restricted speed zone and does not require walking along a section of road with a national speed limit and no footway.
74. I am therefore satisfied that the PSED is met in regard to the Orders.

Regard to agriculture, forestry and nature conservation

75. No issues are raised in reference to the Orders having a negative impact on agriculture, forestry or the conservation of flora, fauna, geological or physiographical features.

Overall Conclusions

76. Having regard to all matters raised in the written representations, I conclude that the Extinguishment Order, Creation Order and Diversion Orders should be confirmed.

Formal Decisions

The Creation Order

77. I confirm the Order.

The Extinguishment Order

78. I confirm the Order.

The Diversion Orders

79. I confirm the Orders.

Mrs A Behn

Inspector







