

Wareham Railway Crossing Briefing Paper



This paper explains the importance to Wareham residents of the existing ground level foot and cycle crossing at Wareham Railway Station.

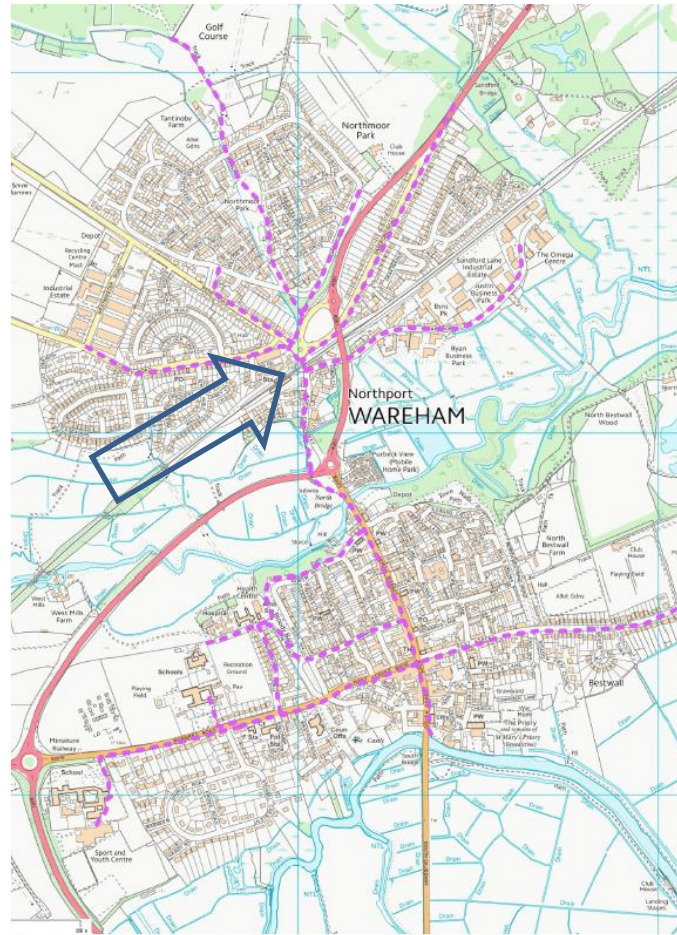
Residents wish to maintain a safe and convenient pedestrian crossing across the railway, the only pedestrian route between the two halves of the town and linking those living to the north of the railway with jobs, schools, shops and other vital services. 1,200 or so people daily use this crossing.

1. Wareham has two halves either side of the railway line

The Town has a population of 5,827, about half of whom live north of the railway line whilst nearly all shops, services, all schools, the sports centre, health centre and library are to the south.

2. There is only one pedestrian crossing of the railway line

There is no other pedestrian crossing of the railway line. The bypass flyover has no footway and the route of the bypass would not be at all convenient for pedestrians if a footway were to be provided here. Some 1,200 people use the existing pedestrian crossing a day, 18% of whom have mobility difficulties.



Wareham showing railway level crossing joining the two halves of the town

3. Legal status

There has been a road in this position since Roman times. King John travelled this route to hunt in Purbeck and the same road has been in use since the twelfth century. When the railway was built in 1847 cars and pedestrians continued to use this level crossing as the only route into Wareham town centre. Clearly at this time the route was a public right of way.

In about 1980, when the road vehicle-only flyover was constructed as part of the Wareham bypass, the vehicular crossing was closed but pedestrians have continued to use the crossing. The stopping up order made by Dorset County Council mistakenly extinguished pedestrian as well as vehicular rights of way. A lease was therefore taken out by Dorset County Council to try and rectify this mistake and allow pedestrians to continue to cross at the crossing. Requests to see the DCC file to establish exactly how this happened have been unsuccessful as the county council were not able to produce the documentation. This has resulted in the status of the pedestrian crossing becoming a permissive rather than a public right of way.

Councillor Colin Hodge (who became leader of Dorset County Council), referring to the stopping off of the pedestrian rights, stated at a meeting of the Wareham Town Council “One day this will come back to bite you.”

The Stopping Up order states “as respects each highway the stopping up of which is authorised by the Order, that **another reasonably convenient route is available or will be provided before that highway is stopped up**”.

Following the enactment of the stopping up order a lease was granted to Dorset County Council to maintain the pedestrian crossing. The current lease terminates in 2038.

4. There has never been an accident or fatality on this crossing

The railway line opened in 1847 and there has never been a recorded accident or fatality at the crossing. Network Rail’s Level Crossing website shows that Wareham crossing had no incidents of “misuse” prior to the risk assessment date (September 2016), no incidents since, one incident of “near misses” in the year prior to assessment, and no incidents since and no “accidents” in the year prior to or since the assessment date. For comparison Poole crossing had 30,051 pedestrians or cyclists. It had 28 incidents of misuse, 2 incidents of near misses and 2 accidents prior to the assessment date of January 2017.

In 2009 a notice was served by the Office of Rail Regulation, now known as Office of Rail and Road (ORR) to Dorset County Council and Network Rail to improve safety. As a result of this locking gates were installed and a security company employed. The costs of this have been borne by Dorset County Council at a cost totalling approx £120k per annum. The current staff do not have access to the Network Rail signalling system and rely on binoculars to view the train arrival boards to confirm when a train is due, although they have also been issued with iPads by Network Rail to enable them to access real time information on the arrival of trains. The employment of staff was only ever regarded as a temporary measure and options for a more sustainable solution were therefore explored.

There was a Debate in Westminster Hall at 11am on 28th October 2009 when Annette Brook MP raised the issue in Parliament stating that *“The proposed closure of the Wareham station pedestrian level crossing was devastating news for my constituents. The situation is complex...”* In conclusion Parliamentary Under Secretary Chris Mole stated *“Safety concerns are of great importance, but the severance of communities and reducing accessibility to key transport routes are no less so. On that basis, I encourage Dorset County Council and Network Rail to ensure that all appropriate options, in both the short and the long term, are considered for the future of the crossing and that safety, accessibility and community needs of Wareham are appropriately provided for.”*

5. Network Rail cannot close the crossing without there being an Equality Act compliant alternative

Network Rail has threatened to close the level crossing when the lease expires even if there is no alternative crossing point.

Legal advice on this threat has been taken from Sasha White KC of Landmark Chambers, London who states that

“if Network Rail close the Level Crossing when the 1988 Lease expires and refuse to provide alternative step free access, while still failing to have due regard to the effects on those with protected characteristics, it is highly likely that a court would find that Network Rail have acted unreasonably and contrary to their duties under the Equality Act.”

“the Equalities Impact Assessment fails to consider certain material considerations and does not sufficiently show that the 1 : 12 gradient is compliant with the Equality Act, especially in relation to due regard being given to the effect on unassisted wheelchair users”.

A copy of the advice was sent to Network Rail and it is interesting that their reply to the Trust did not contain the threat to close the crossing in the absence of an alternative and stated..

“Should the current planning application be unsuccessful we will meet again with DCC to discuss a way forward. We have no pre-ordained view on what should happen in this scenario.”

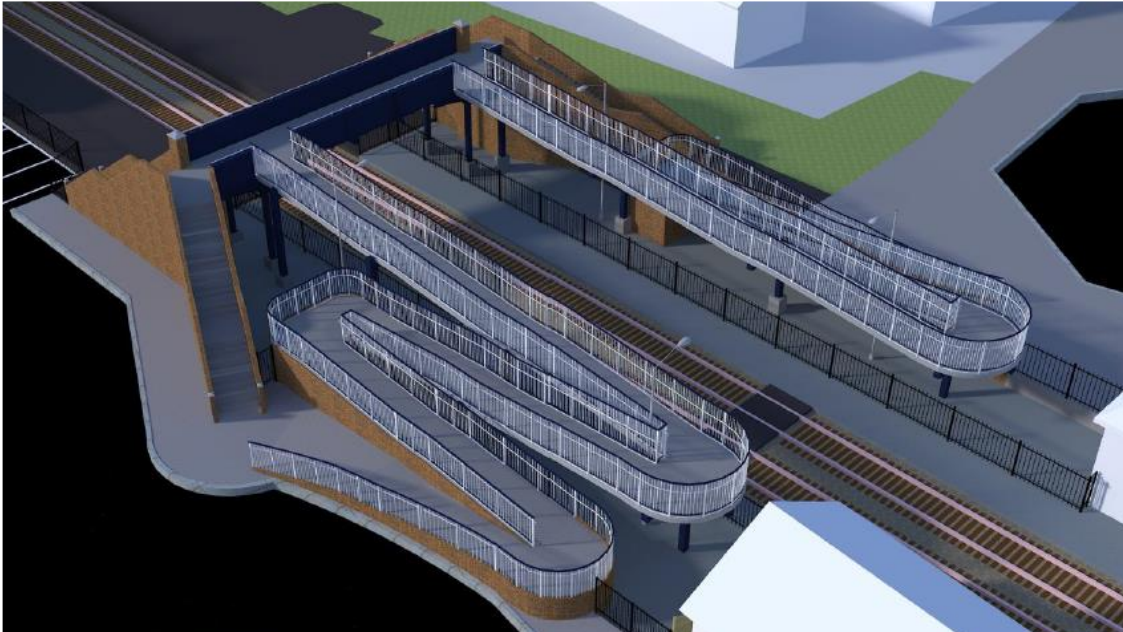
6. Proposed ramps were unanimously rejected by Purbeck District Council and Dorset County Council

In 2013 a planning application for the provision of ramps to replace the level crossing was submitted by Network Rail to Purbeck District Council and despite local objections this was approved. However, it proved impossible to construct.

In 2015 an amended proposal for a ramped bridge was submitted by Network Rail to Purbeck District Council. For good planning reasons the District Council turned down this proposal as follows:

- 1.The proposals by way of their excessive scale and materials of construction will appear demonstrably harmful in the street scene.
- 2.The proposals due to their excessive scale, bulk and massing fail to preserve the setting of the historic asset of the bridge itself and the wider station area.
- 3.The proposals due to the increased length of travel for pedestrians which make it more likely to increase the use of motor vehicles by residents for short journeys, fails to promote sustainable transport.

In 2018 a revised proposal for a ramped bridge was submitted to Purbeck District Council for Listed Building consent. The application for Listed Building Consent was refused unanimously by Purbeck District Council in January 2018 because they considered on a 8 – 0 vote that there was not substantial public benefit to outweigh the harm to the listed station and bridge.



The planning application for this proposal for a ramped bridge to replace the pedestrian/cycle ground level crossing was also refused unanimously at a meeting of [Dorset County Council's Regulatory Committee held on Thursday 14th June](#), attended by some 200 local residents.

It was also suggested that the Highway Authority and Network Rail enter into discussions about alternative solutions including an automated barrier system.

7. Strong public support for the maintaining of the ground level crossing

In 2016 3,300 local residents signed a petition to maintain the ground level crossing and on 23rd April 2016 a well-attended demonstration of local residents was staged at the station.

On 21st July 2017 Michael Tomlinson MP chaired a public meeting arranged by Wareham Town Council of some 400 residents at the Purbeck School. Residents expressed their very strong opposition to the proposal for a ramped bridge and closure of Wareham's level crossing. Residents were concerned that the bridge will split the town in two, cut residents off from jobs and needed local facilities, be too steep (1 in 12) and too far for many people to use, and be out-of-keeping with the Listed Railway Station.

This proposal was widely reported in the local press, the Daily Mail and the Daily Telegraph.

Daily Mail, Wednesday, August 2, 2017 Page 11

On the warpath: Residents stand on the level crossing of Wareham station to protest against changes to the Grade II-listed footbridge. Inset, actor Edward Fox

A Bridge Too Vulgar

Edward Fox joins protests over 'eyesore' zig-zag railway crossing

By Ben Wilkinson

ACTOR Edward Fox gave an impassioned speech as a British general in the classic war film *A Bridge Too Far*. Now 88, the screen star has launched a new battle cry - this time against controversial plans for his local railway bridge.

The actor made a heartfelt plea after a public meeting warning officials that the proposals would cause a 'permanent blot' on the market town of Wareham in Dorset.

Fox won an Oscar for his role as Lt Gen Brian Horrocks in the 1977 movie, based on Operation Market Garden, the failed Second World War mission to take eight key bridges held by the Germans.

He is now determined not to lose the fight against Network Rail and council plans to add an 'unsightly' network of ramps to the Grade II-listed station footbridge at a cost of up to £1.1m.

The actor argued the imposing 18ft-high network would overwhelm the historic structure.

The station, which is served by pretty brick buildings, dates from 1847, which replaced an even older stop from 1841. The star said: 'This is a vital issue which will affect the day-to-day lives of local residents and have an irreversible impact on the town's future. The proposal would also be a permanent blot on our town's historic station.'

Rail bosses and Dorset County Council want to add ramps to the existing footbridge and shut off the 'dangerous' level crossing currently used by pushchair and wheelchair users.

The crossing is controlled by locked gates and a security guard at a cost of £120,000 a year.

The plans will mean those taking the new route over the tracks will have to travel 450ft up and down the zigzagging ramps. Fox, who also starred in 1973 film *The Day Of The Jackal*, has lived near Wareham on the Isle of Purbeck since the 1980s. He regularly uses the station to travel to London.

The actor is fighting the plans called for an automated gate to be installed instead.

About 1,000 people use the existing crossing daily to get to work and access local amenities.

The actor is no stranger to local politics. Seven years ago he gave a speech that helped convince planners to reject an application for a supermarket near Wareham.

The star won a round of applause after claiming the proposal would 'run for evermore a precious corner of Dorset.'

There have been previous plans to redesign the station's footbridge, which has been earmarked for closure for several years.

But a Dorset Council spokesman said this design for Wareham station was 'less imposing' than previous proposals, adding: 'The ramps will be shorter in length and have less of an impact on the existing railway footbridge.'

After the meeting last month, Mid Dorset and North Poole MP Michael Tomlinson said: 'The strong opposition voiced clearly showed the strength of local opinion. There are very real concerns that this proposal will split the town in half; some people will simply be unable to get across the railway and that it would be an eyesore.'

A county council spokesman said: 'We expect to submit the application in around two weeks' time and will follow the standard planning process, which will give all parties the opportunity to comment.'

A final planning decision will be made by the county council's regulatory committee.

Permanent blot on historic station

Controversial: The proposals for the 450ft network of ramps on the crossing

Battle cry: Fox left, in war movie classic *A Bridge Too Far*

Daily Mail, August 2nd 2017

On Saturday 9th June 2018 an impromptu demonstration was staged at the Railway crossing by local residents wishing to save Wareham's Railway Crossing. This was reported on Meridian News and BBC South Today and showed the continuing opposition to the proposed ramped bridge despite many being disillusioned.



8. Footpath over the flyover

Following refusal of planning permission for the ramped bridge, Dorset County Council proposed the provision of a pedestrian route alongside the flyover to replace the crossing. This would have been completely impractical for users, especially those wishing to cross from one platform to the other. This prompted Wareham Town Trust to launch a petition to save the ground level crossing which was signed by 3300 local residents including some 1000 paper signatures.

<https://www.change.org/p/dorset-county-council-save-wareham-s-railway-crossing> .

A demonstration by local residents was staged at the Station on 23rd April 2016 as reported in the local paper.

http://www.dorsetecho.co.uk/news/14454313.Two_thousand_sign_petition_to_save_Wareham_railway_crossing/

Dorset County Council deferred a decision on the provision of the footpath over the flyover pending a full investigation into the options.

However in 2023 a first phase of the cycle footway was constructed without public consultation and the second phase is currently being planned. In response to an FOI request made in April 2024 to Dorset Council, no information was provided about the expected cost of these works, the sources of funding, detailed plans or whether this proposal had featured in discussions with Network Rail.

The Independent Examiner for Wareham Neighbourhood Plan (extract included as Appendix of this paper) stated in his report “Dorset Council ,,, has confirmed that a pedestrian/cycle route alongside the A351 is scheduled for commencement in Autumn 2021. However, I agree with the Town Council that this should not be seen as an alternative to the foot crossing at the railway station. It is a significantly longer route; it is not level; it would run beside the busy A351; and it would not cater for those with mobility impairments wishing to change platforms at the station.”

9. Wareham Neighbourhood Plan

In 2016 work started on the development of [Wareham's Neighbourhood Plan](#). The Plan was developed in consultation with the local community and one of the issues raised in consultations was the retention of the ground level crossing.

The plan took about 5 years to develop and in 2021 the draft plan was considered by an independent Examiner, taking into account representations by all parties. He recognised the importance of retaining the ground level crossing and endorsed the inclusion of a policy in the Plan for its retention.

The Wareham Neighbourhood Plan referendum was held on Thursday 30th September 2021. There was a turnout of 1268 (26.8%). The result was in favour of the plan with 1145 votes in favour (90.5%) and 120 against (9.5%).

The Wareham Neighbourhood Plan was made (adopted) by Dorset Council on 8 November 2021 and now forms part of Dorset Council's Development Plan.

10. Talks with Network Rail

In December 2022, Michael Tomlinson MP reported on discussions involving Network Rail and Dorset Council, stating that “ it was made clear, once again, that alternative options that would lead to the closure of the crossing are not acceptable and that automation of the crossing remains the best option long term. The question of automatic barriers needs to be addressed and addressed positively.”

In March 2023 Network Rail commissioned a report into the feasibility of automating the crossing, as the local community, Wareham Town Council, Dorset Council and our MP have consistently asked for. The retention of the ground level pedestrian crossing is required by the Council's Development Plan, as set out in [Wareham Neighbourhood Plan](#). To date, a whole year since the report was commissioned, the report has still not been made public.

Residents are understandably becoming anxious about the outcome of this report and are reiterating their call for a permanent solution to be found to safeguard the surface level crossing in perpetuity, by linking the pedestrian gates to the railway signalling system, as is done elsewhere on Public Right of Way crossings in the country.

In view of this concern, a petition has been started which has already been signed by over 700 people, many of whom have also left comments. [Petition - Save Wareham's Ground Level Pedestrian Railway Crossing - Change.org](#)

11. Conclusion

It is unbelievable that this has been a major issue for Wareham since the 1980's and no permanent solution has yet been found. The proposed closure of Wareham Level Crossing is probably one of the biggest issues faced by the town in the past 50 years. Clearly public safety is of great concern and so too is the severance of the local community. Half of the town's population of almost 6,000 live on the north side of the railway yet all schools, shops, recreation and health facilities are on the south side. There is only one pedestrian route between the two and this involves the level crossing. The closure of this crossing is therefore an issue which will directly affect the lives of thousands of the town residents on a daily basis. This is why there is such overwhelming public opposition to the proposal and has been for the past 40 years since it was first mooted.

A pedestrian route alongside the flyover could never provide an adequate alternative for local residents or railway station users, as was brought out in the Wareham Neighbourhood Plan Independent Examiner's report.

The Wareham community wish to work with Dorset Council and Network Rail to find a solution that is in keeping with a historic market town and maintains a direct and convenient route for pedestrians and cyclists. Common sense suggests that the solution should be based on an electronic barrier or gates linked to the signalling system. In discussions with Network Rail it has been confirmed that this solution is likely to achieve an acceptable risk score without the need for Dorset Council to continue to pay £120,000 pa. for staff cover.

The community wishes to see all parties working together with the local community to find a sensible long-term solution based on electronic gates linked to the signalling system. As stated by Parliamentary Under Secretary Chris Mole in 2009 *“Safety concerns are of great importance, but the severance of communities and reducing accessibility to key transport routes are no less so. On that basis, I encourage Dorset County Council and Network Rail to ensure that all appropriate options, in both the short and the long term, are considered for the future of the crossing and that safety, accessibility and community needs of Wareham are appropriately provided for.”*

Wareham Town Trust

Updated 20.04.2024

Appendix
Extract from Independent Examiner's Report
on Wareham Neighbourhood Plan

Report on Wareham
Neighbourhood Plan
2019-2034

An Examination undertaken for Dorset Council with the support of Wareham Town Council on the October 2020 submission version of the Plan.

Independent Examiner: David Hogger BA MSc MRTPI MCIHT

Date of Report: 9 June 2021

The Pedestrian Level Crossing at Wareham Station

- 4.48 There is only one direct link for walkers and cyclists travelling between North Wareham and the town centre. About half of the town's population live on the north side of the railway, yet the schools, the main shops and the recreation and health facilities are on the south side. The route includes the controlled pedestrian crossing immediately to the east of the railway station and at the time of my visit the crossing was being well used by walkers, despite the fairly lengthy time the gates were shut prior to a train arriving.
- 4.49 It is clear from the evidence submitted, including the Wareham Railway Crossing Briefing Paper (dated January 2020), that the retention of the pedestrian crossing over the railway has widespread community support and it is reasonable in every respect for the Town Council to reflect this support in the WNP. The Briefing Paper suggests that there are about 1,200 crossings made daily and it is confirmed that there has never been an accident or fatality at the crossing.
- 4.50 In the interest of safety and to remove the need to have a crossing gate controller, alternative proposals have been considered in the past, including the construction of a new ramped bridge, but this was rejected by Dorset County Council and the former Purbeck District Council. Consideration has also been given to several other options, including the provision of a ramped access to the existing footbridge; the provision of lifts at the station; the construction of a subway; the provision of automatic barriers; and a shared use footway/cycleway adjacent to the A351 Wareham by-pass.

- 4.51 No suitable option has been agreed and I note that the WNP (paragraph 5.1.3) confirms that, in part, this is because the station buildings and footbridge are listed buildings. I have not seen all the historical evidence on this issue but taking into account the views of the local community and the Town Council, my initial opinion is that any option involving significant construction works would be difficult to successfully achieve, particularly because in visual terms it would be difficult to integrate such significant development into the character of the locality whilst respecting the setting of the listed station.
- 4.52 Dorset Council, in response to my Question 1, has confirmed that a pedestrian/cycle route alongside the A351 is scheduled for commencement in Autumn 2021. However, I agree with the Town Council that this should not be seen as an alternative to the foot crossing at the railway station. It is a significantly longer route; it is not level; it would run beside the busy A351; and it would not cater for those with mobility impairments wishing to change platforms at the station.
- 4.53 The WNP confirms that one option could be to link the operation of barriers/gates to the signalling system. I understand that Network Rail has concluded that 'a safe automated solution is not available for this site'.¹ It is suggested that there is a risk of pedestrians becoming trapped 'lineside' or being struck by a descending barrier. I have seen no evidence that quantifies these risks and at this stage the approach being advocated by the Town Council would seem to me to be an appropriate starting point. Such an approach would also appear to accord with the legal advice obtained by the Town Council.²
- 4.54 I have seen no substantive evidence regarding the costs of retaining the existing foot-crossing, but I do note that the lease agreement between Dorset Council and Network Rail comes to an end in 2038. This would appear to provide ample time for further consideration of the issues involved and I note that the Town Council makes reference³ to meetings between Network Rail and Dorset Council (to discuss a technical solution to the issue) that were to have taken place last year but were cancelled because of the lockdown.
- 4.55 The Town Council has confirmed that Network Rail have been consulted a number of times regarding the level crossing⁴ but as far as I am aware no response has been submitted. The Government has announced an overhaul of the management of the railways and this may provide the opportunity for further consideration to be given to this issue.
- 4.56 It is against the background summarised above, that I have considered the policies in this chapter of the WNP.

Policy PC1 Key Pedestrian and Cycling Routes (page 48)

- 4.57 Policy PC1 seeks the retention of the existing pedestrian and cycle routes (including the surface level crossing) and provides support for their

¹ See Dorset Council's response to Examiner's Question 1(d).

² From Sasha White QC (dated 4 October 2018).

³ Town Council's comments (dated 29 April 2021) on Dorset Council's response to Examiner's Question 1.

⁴ See response to Examiner's Question 20.

improvement. Bearing in mind the need to travel sustainably²⁷, this is a reasonable approach to take.

- 4.58 Dorset Council, in their response to my Question 1, suggests amended wording to Policy PC1 which does not refer to the retention of the surface level crossing. Such a modification would not accurately reflect the reasonable aspirations of the Town Council and the local community, and (as I summarise in the paragraphs above) there is currently insufficient evidence to justify my recommending such a change.
- 4.59 It is also suggested by Dorset Council that the proposed pedestrian/cycle route alongside the A351 between North Wareham and the town centre should be identified on Figure 38, but that plan is purely informative and identifies existing pedestrian and cyclist routes. Also, it is not clear to me what the exact status of the proposal is, for example I have not been advised about any consultation about the route. On that basis I consider it to be a matter to be addressed in the first review of the WNP.