

## CARDIFF COUNCIL


### REQUEST FOR A RAIL CROSSING DIVERSION ORDER HIGHWAYS ACT 1980 TRANSPORT AND WORKS ACT 1992

The following questions are to be answered and the information and maps requested to be supplied by the applicant to the council which is to be requested to make the order.

1	Location of rail crossing Morganstown, - Gelynis, Private vehicular and public footpath crossing.
2	Is the diversion applied for within the area of a Community Council? If yes, please provide name of Community Council. Morganstown Community Council.
3	(a) Type: Footpath and (b) Name or No. FP - Radyr No 1.
	(b) Length(s) in metres of section(s) to be stopped up Approx 235m
	(c) Description of path to be stopped up by reference to terminal points (Grid References at start and end points) As per attached Diversion plan; X 126848.2 – X 126619.5 Y 180185.3 – Y 180148.1
	(d) Length(s) in metres of section(s) to be created Approx 335m

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	(e)	<p>Description of new improved path by reference of new terminal points (Grid References at start and end points of new sections)</p> <p>As per attached Diversion plan; X 126848.2 – X 126619.5 Y 180185.3 – Y 180148.1</p>
4		<p>List the name(s) and address(es) of the owners, lessees, and occupiers of the land on either side of any path or way to be extinguished.</p> <p>Transport for Wales; 3 Llys Cadwyn, Pontypridd, Rhondda Cynon Taff, CF37 4TH</p> <p></p> <p>Llantrisant Road Capel Llanithern Cardiff, CF5 6JD</p>
5		<p>Have you obtained the written consent of every person having an interest in the land over which any path or way to be extinguished passes, in so far as such consent is needed?</p> <p>YES</p> <p>If YES, enclose all the written consents. <b>Please see attached email.</b> If NO, enclose all written consents that you now possess, and give particulars of those where consent has been refused or has yet to be obtained.</p>
6		<p>Is the crossing or any path or way to be extinguished, subject to any limitations or conditions?</p> <p>NO</p> <p>If YES, give details.</p>

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7	<p>Who will be responsible for maintaining the new path or way created? If in part, state which sections will be maintained and by whom with an attached plan for reference.</p> <p>The new path and road bridge will be under the property ownership of Transport for Wales, and the respective maintenance responsibilities will fall on the owner.</p>
8	<p>Names of Public Utilities in area (please state whether or not their apparatus is likely to be affected)</p> <p><b>NOTE:</b> If any utilities will be affected, please include agreements/consents. Utilities are a statutory consultee and will object to all applications affecting their apparatus therefore it is paramount you provide information to confirm what agreements are in place to undertake works.</p>
(a)	Gas Board – No
(b)	Electricity Board – Prior notification has been made and consent provided. Contact details to follow;
(c)	Water Board – No water authorities utilities affected. Existing vehicular rights of way to be incorporated onto the new road over bridge.
(d)	Telephone Area – None affected.
9	<p>When do you anticipate works affecting the highway(s) on site will begin? It should be noted that the minimum period which should be allowed for confirming a S.119A Legal Order is 8 months if there are no public objections.</p> <p>No works envisaged to obstruct existing right of way.</p> <p><b>Licenses must be applied for in order to carry out works:</b> Temporary Closures, Opening Up Licenses and Section 50 (not inclusive therefore go to <a href="https://www.cardiff.gov.uk/roads-and-highways-licences">Roads and highways licences - Cardiff.gov.uk</a> for more information).</p>

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10	<p><b>Provide two plans</b> showing the stopped up and/or diverted path at the following scales:</p> <p><input type="checkbox"/> 1:2500 and  <input type="checkbox"/> 1:1250 scale.</p> <p>The path to be stopped up or diverted should be shown as a bold black line with the letter FP or BR denoting footpath or bridleway respectively written alongside and include the Legal Path Name and Number. Diverted routes are to be shown as a bold black dashed line.</p>									
11	<p><b>Give reasons for the proposed rail crossing diversion order. This may be provided as a letter with supporting documents. Include information about:</b></p> <p>As part of the Metro Railway Modernisation project, which is currently being undertaken throughout the Core Valley Lines (CVL), from Cardiff through the connecting valleys from Pontypridd, Treherbert, Aberdare, Merthyr and Rhymney, there are considerable rail infrastructure engineering and operational enhancements being planned and delivered by Transport for Wales.</p> <p>All will have an immediate benefit to the public, and travelling passengers through the placement of new electrified rolling stock, more frequent train service, improved and new stations, and faster journey times.</p> <p>This is part of the TfW's transport integration plan to improve public transport connectivity, accessibility and in parallel to boost economic development, environmental improvements and business re generation across the region.</p> <p>In addition there are major scheme proposals to install Overhead Electric Wires (OLE), along this specific section of railway line, which will significantly increase the associated safety concerns which is inherent to such operational requirements. The new electrified trains will be faster, quieter, and huge improvements to their acceleration which will create additional risks to the level crossing over and above the current requirements.</p> <p>The current crossing provides both vehicular and pedestrian access for the public, and also private vehicular requirements to adjoining land owners. The public footpath crossing is regarded as an important link to the Taff Trail on the other side of the river, and as a result is in constant use during the day.</p> <p>From a Network Rail census report taken in 2016, the following numbers were reported to have used the crossing.</p> <table border="1" data-bbox="309 1603 1219 1738"> <thead> <tr> <th></th> <th>Weekday</th> <th>Weekend</th> </tr> </thead> <tbody> <tr> <td>Pedestrians</td> <td>164</td> <td>387</td> </tr> <tr> <td>Cyclists</td> <td>51</td> <td>66</td> </tr> </tbody> </table> <p>These figures were taken over a 3 day (24 hour), period Saturday – Monday</p>		Weekday	Weekend	Pedestrians	164	387	Cyclists	51	66
	Weekday	Weekend								
Pedestrians	164	387								
Cyclists	51	66								

- a) The risk to the public continuing to use the present crossing and the circumstances that have given rise to the need to make the proposed order

Currently the footpath crossing relies upon warning signs, self closing gates, fully combined rubberised/tarmac modernised rail surface and good sighting distances of approaching trains from a safe decision point at both sides of the crossing.

As part of the new Metro railway project, which includes improved operational efficiencies, lower maintenance requirements and full modernised upgrades to the Cardiff Valley Network these modern developments will include new rolling stock, more trains per hour, and faster journey times. In order for these improvements to take place all safety risks associated with the railway infrastructure have to be taken into consideration, as supported and instructed by the office of Rail and Road, who is the TfW's rail regulator.

The current number of trains along this section of line is 12 trains per hour, and based on the current railway timetable amounts to 192 trains per operational day. This equates to 1 train every 5 minutes.

Taking into effect the new proposed railway infrastructure and timetable, with new electrified rolling stock operating along this route this number will increase to 24 trains per hour, which amounts to 384 trains per day. This equates to 1 train every 2.5 mins.

In line with Health & Safety requirements and railway safety standards this proposed increase in the number of trains operating along this section of line enforces the requirement to undertake new risk assessments on all crossings within the CVL. Under the risk model used (Network Rail ALCRM), quantifies these additional risks in two ways, (i) individual risk and (ii) collective risk. The former is a measure of the risk that an individual crossing user is exposed to when traversing the railway, and the latter is a measure of the total harm or safety loss at the crossing.

The collective risk recognises that with the increased number of trains per day operating over the crossing equates to a greater probability there will be to an accident occurring. This statistic, as a result of the new train service, will increase the potential risk of public safety at this crossing significantly over and above the current risk score.

In addition this crossing has been assessed, from previous incident reports, misuse and near misses, **as the highest risk crossing on the CVL**, based on existing operational information, ie not taking into consideration the additional frequency of

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trains, and the quieter modern electrified rolling stock improvements.

Crossing closures of this high risk nature is consistent with the Office of Road and Rail (ORR), regulatory requirements for railway operators who need to maximise the reduction in risks of accidents at all level crossings.

Accordingly, in line with the Welsh Government's policy of modernising the railway the rail safety risk at this crossing will be greater than reasonably permitted, and closure is the only available option.

b) The effect of the loss of the crossing on users, whether there are alternative rights of way and the safety of these relative to the existing rail crossing. 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

The loss of the existing footpath crossing has already been fully assessed, and as a result of the high safety risk which already exists, coupled with the fact that this risk will be increased the only option considered right for all aspects to reduce totally any risk to the railway is to build a road overbridge. This has received full planning consent following significant design options, and as a result this rail crossing diversion order application can now progress.

c) Confirm if barriers and / or signs would need to be erected at the crossing or the point from which any path or way is to be extinguished or created, assuming the order is confirmed.

Yes, the overall finished design of the diversionary route will incorporate all required fencing/barriers as required, and appropriate signage installed as required by Cardiff City Council and Transport for Wales.

d) confirm if the diversion is equal or improved for accessibility and an equally commodious route compared to the existing crossing.

The new rail over bridge has been designed in accordance with current highway designs appropriate for private roads, and public rights of way, which allows a free, unlimited access availability over the railway at all times. Please see attached plan showing the general arrangements and layout of the new bridge, with access availability and gradients. Planning consent report provided express comments on this aspect and it was recorded that the gradients was noted by the Officer, and accepted they would not deter access use, and approval was granted accepting the design of the new bridge. Please refer to S5 Internal Consultees Report ss (vii), (viii), in particular for reference of his comments.

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If form is completed by Landowner, please fill in below:

(a) Name

(b) Address

If form is completed by Agent, please fill in below:

(a) Name of Agent – Richard Cole

(b) Profession – Rail Consultant

(c) Address – c/o Transport for Wales, 3, Llys Cadwyn, Pontypridd, CF37 4TH

(d) Landowner Name and Address – [REDACTED] Llantrisant Road, Capel Llanithern, Cardiff, CF5 6JD.

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## DECLARATION

I /We agree to comply with the following conditions in respect of this application, if it formally is approved:

1. **To pay the Council the sum of £5,000** to cover the Council's reasonable costs for making the order and advertising the legal notices in a local newspaper. (Please note that advertisement costs alone are currently in the region of £1800 for the two notices required, i.e. Notice of Making and Notice of Confirmation).

2. To ensure that the remainder of the path, and any other rights of way over land in the same ownership, are not obstructed in any way.

I/We understand that no authority for the conversion of the footpath as a cycle track is conferred unless and until a Cycle Track Conversion Order has been applied for, sealed and confirmed, and a Notice to that effect has been published. Any preliminary obstruction of, or interference with the existing path may not only be an offence but may make it impossible to proceed with the making of the Order.

I/We declare that all the particulars given are to the best of my/our knowledge true and accurate.

Name: Richard Cole

Signature: [REDACTED]

Date: 13/04/22

This application will be processed once payment of £5,000 (VAT exempt) is received. Please confirm details for billing:

Name: [REDACTED]

Company Name: Transport for Wales

Address: , 3, Llys Cadwyn, Pontypridd, CF37 4TH

Email: [REDACTED]

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\*Note: Fees are in respect of an order to convert **one** path or an omnibus order if consented. The appropriate officer can give further advice.

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