

Date: 15 April 2019
My ref: JW/pk/Coroner150419
Your ref: 10027
Contact: [REDACTED]
Telephone: [REDACTED]
Email: [REDACTED]

Chief Executive
Corporate Services
North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 4EJ

DX 744990 Clevedon

M E Voisin
Her Majesty's Senior Coroner
Area of Avon
The Coroner's Court
Old Weston Rd
Flax Bourton
BS48 1UL

Dear Ms Voisin

Regulation 28 report: Corondale Crossing, Weston-super-Mare

Thank you for sending us your report dated 21 February requesting details of the action Persimmon Homes and ourselves propose to take to prevent future deaths.

We will arrange to meet with Persimmon Homes to explore the issues in detail but I can confirm that I have already met with their regional Managing Director, [REDACTED], and Technical Director, [REDACTED], on 26 March to discuss how to progress a response as a matter of urgency.

We are also firmly of the view that Network Rail has an essential role to play in resolving this issue and will seek its engagement in delivering a solution, and hope you agree. I note the importance attached by Network Rail on its website to closing such crossings and its statement that it has delivered closure of 1100 level crossings between 2009 and 2017. I trust that Network Rail will work positively with us on this particular crossing and am pleased that you have sent a copy of your report to Network Rail.

In this respect, the first action to prevent future deaths will be for us to consider with Network Rail what further measures can be put in place to improve the safety of the crossing. We will also ask Network Rail to review its risk assessments to determine whether improvements, alterations or other mechanisms can be introduced

In terms of other actions, you will be aware from the inquest of the problems that have prevented the bridge being built in the past. These include disposal of land required for construction of the bridge by the British Rail Property Board; the subsequent bankruptcy of the acquiring company before the land was registered; changes made to rail infrastructure company structures and associated staffing changes; changes to the structural standards



for such bridges required by Network Rail; and the need to establish future responsibility for liabilities for repair, maintenance and claims relating to the bridge.

You will also be aware of the challenges that we face in going forward. These include meeting Network Rail's updated design requirements and standards; ensuring future liabilities for repair, maintenance and claims relating to the bridge and its use are appropriately addressed; the need to establish whether a bridge to current design standards can be sited in the previously approved location or whether alternative sites need to be considered; the need to pursue the submission of a fresh planning application by the appropriate body for a new bridge; acquisition of the land on which a bridge would be sited; securing the funding for a new bridge from the appropriate body; and recognition that closure of either of the public rights of way at Wells and Corondale crossings must follow a separate statutory process and is likely to require current users to divert to less convenient routes.

Whilst I fully understand why much focus has been placed on the absence of a bridge, we feel it is important to emphasise that building the bridge in the previously approved location would not necessarily have led to the closure of the Corondale Crossing. As you will be aware, the bridge which received planning permission was some distance from the crossing. Building a bridge in an alternative location may also not necessarily lead to the closure of the crossing given the separate statutory process which must be followed. I therefore believe it is essential that Network Rail is requested to review the safety arrangements at the existing crossing and this is the first action we will take.

Recognising that the Council does not have the authority or power to build the bridge itself, we will therefore take the following actions:

- By 30th April we will seek Network Rail's comments on what further measures can be put in place to improve the safety of the crossing and request Network Rail reviews its risk assessments to determine whether improvements, alterations or other mechanisms can be introduced.
- By 30th April we will meet with Persimmon Homes in connection with their obligations to construct the bridge under the section 52 agreement
- By 30th May we will meet with Network Rail to seek agreement to funding from Network Rail towards construction of a bridge and commitment in the meantime to make any identified improvements to the safety of the existing crossing;
- By 30th May we will seek Network Rail's confirmation of the appropriate current design requirements for the bridge and convey those standards to Persimmon Homes (and/or whichever body it is agreed will submit a fresh planning application to current standards);
- By 30th July, we will seek agreement with Network Rail and Persimmon Homes to a draft project plan identifying the steps to be taken to deliver a new bridge.
- Within 13 weeks of its submission we will use our best endeavours to determine any planning application submitted to the Council for a new bridge and will provide advice prior to any application being submitted to identify any issues which may arise.
- If and when planning permission for a bridge is granted, we will request Network Rail to use its Compulsory Purchase Powers to acquire land needed to construct the bridge.
- After the bridge is constructed, and subject to the appropriate statutory process, we will use the appropriate powers to seek to divert the Public Right of Way from the Corondale crossing to the new bridge.

I hope this letter makes clear the action the Council proposes to take in response to your findings.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jo Walker', written over a circular stamp or seal.

Jo Walker
Chief Executive

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