

REPONSE TO HM CORONER – PREVENTION OF FUTURE DEATH NOTICE
REPONSE OF DERBYSHIRE COUNTY COUNCIL

Following the receipt of the Regulation 28 Prevention of Future Death Notice following the Inquest into the Death of Heather Page, Derbyshire County Council received a letter from Network Rail indicating that they had previously attempted to close some footpaths in this area. After inspection of records held, Derbyshire County Council responded as follows:

“Thank you for your enquiry dated the 4th August 2021 regarding your willingness to engage with Derbyshire County Council following the outcome of the Coroner’s Inquest into the death of Miss Heather Page on the 7th October 2020.

I can appreciate that the report recommendation under Regulation 28 of the Coroners Inquest Regulations 2013, resulted in yourselves as the Rail Authority notifying the respective local authorities of their responsibility to take actions to reduce the risk of public access directly onto the rail line.

Back in April 2003, Derbyshire County Council issued the notice of making an order under the Highways Act 1980 for Public Footpath No.7 (Part – Long Eaton) Rail Crossing Diversion Order 2003. Public Footpath No.7 is the right of way which accesses over the Rail Line at end of Barton Road, Long Eaton (see Appendix 1) into the Attenborough Nature Reserve site (Nottinghamshire County Council). The intention was to divert Footpath No.7 from the Nature Reserve to run adjacent the rail track in a south-westerly direction to the junction with Meadow Lane, at the on-road Level Crossing site. This would have removed the need for people to access over the rail tracks from the Barton Road access point. However, due to objections the matter was passed to HM Planning Inspectorate (see Appendix 2) for consideration. I am led to believe that Network Rail on the 8th July 2004 reassessed the scheme following a new risk assessment and subsequently withdrew the application to support the proposed diversion. Therefore, Derbyshire County Council had no alternative other than to cancel the proposed diversion order from being confirmed on the 12th July 2004, and subsequently the HM Planning Inspectorate supported the decision taken.

Derbyshire County Council then received further correspondence with [REDACTED] of Network Rail in July 2015 in relation to the issue with the crossing of (Public Footpath No.7), at the end of Barton Road, Long Eaton. This provides a facility which crosses pedestrians and other vulnerable road user groups over the railway line.

The correspondence at that time appears to say that following an internal meeting at Network Rail, that a ramped bridge to take pedestrians over the rail line had been authorised by the Route Asset Manager. This would have provided an engineering solution to the concerns about pedestrians crossing the rail line at ground level and an alternative scheme to the one that was promoted back in 2003. From correspondence with [REDACTED] I can see that an initial design was tweaked to require consultation with just two landowners and that your Property Surveyor was asked to make contact to start the negotiations process. One of the landowners, Cemex I understand had indicated support for such a proposal.

The correspondence indicated that the planners within Network Rail were planning on making contact, with the local planning authority, which would be Erewash Borough Council in this regard, in relation to the proposed design that had been prepared. It was identified that you would have to make an application under Section 119a of the Highways Act 1980 to divert the public footpaths current alignment. To the best of our knowledge Derbyshire County Council received no further correspondence from Network Rail in relation to this matter.

I trust that the above will provide a suitable explanation regarding the Council's current position in relation to this matter.

If you require any further information or clarification regarding the details of this letter, please contact [REDACTED] directly by email:

[REDACTED] [REDACTED]."

We enclose the documents sent with the response to Network Rail. Please note that the response relates to public footpath number 7 within the Parish of Long Eaton being the only crossing which falls within the Derbyshire county boundary.

We are aware of the report undertaken by British Transport Police in November 2020 and as a local authority we will do whatever is within our legal power to assist in the prevention of fatalities however it will take a coordinated approach from the various local councils, Network Rail and the Highways Authority in order to achieve this. Derbyshire County Council as the relevant Highway Authority for Derbyshire will always work with other agencies to improve safety across the County.