

5. KIRKNEWTON LEVEL CROSSING

(a) Deputation on Behalf of Kirknewton Community Council

Prior to the meeting, Mr Stewart McKenna, on behalf of the Kirknewton Community Council, had made a request to address the meeting. Under Standing Order 13 (4), the request had been put before the Council Executive by the Clerk and the Council Executive had agreed earlier in the meeting that the deputation be heard. The Chair invited Mr McKenna to address the meeting.

Mr McKenna spoke against aspects of West Lothian Council/Network Rail's proposals, summarising the views of the Kirknewton Community Council as undernoted:-

- Concern that a pedestrian underpass would replace the existing pedestrian overbridge.
- Concern that the new road design was to an excessive standard for the type of "village" road.
- Concern that the Community Council had not been consulted on the report that was currently before the Council Executive for approval.

Mr McKenna explained that a pedestrian footbridge, which was DDA compliant, was the preferred design solution of the Community Councils and that, whilst Network Rail had given reasons why this could not be accommodated, Mr McKenna considered that there were other options that could be explored and costed.

Mr McKenna then responded to questions raised by elected members.

(b) Report by Transportation Manager and Head of Property Services

The Council Executive considered a report (copies of which had been circulated) advising that the safety of the existing level crossing at Kirknewton had been a major concern to Network Rail and the Council for several years. The Council had been working with Network rail over the past few years to advance a solution for the crossing and the report provided an update on the work undertaken.

The Transportation Manager advised that Network Rail, for reasons which were set out in the report, was considering a pedestrian underpass to the west of the existing level crossing as its preferred design solution. As part of the underbridge solution, land would require to be purchased from private individuals and the proposed mechanism to progress these acquisitions was outlined in the report. Although there had been discussions, it had not been possible to negotiate an access agreement with the landowner to enable accurate ground topography and site investigation parameters to be confirmed.

Council officers were currently working with Network Rail on the terms of an agreement that would ensure that the council's costs associated with land acquisition were underwritten. This would include reimbursing the Valuation Offices fees. Only with this in place would the council be able to progress the land acquisitions to conclusion or, if necessary, progress compulsory purchase procedures. The agreement would cover all statutory compensation payments to the current land owners, other affected parties, external professional fees and costs associated with the land acquisitions including the statutory costs related to compulsory purchase, should these be incurred.

It was hoped that the acquisition of land could be achieved by agreement, but if not the Council might require the use of compulsory purchase powers in order to deliver the project in a time frame acceptable to the Office of the Rail Regulator (ORR).

The report enclosed three appendices:-

Appendix 1 – A letter to West Lothian Council from Network Rail (dated 2 June 2009) highlighting the urgency for works to be undertaken.

Appendix 2 – A letter to West Lothian Council from the ORR (dated 1 June 2009) setting out the ORR's position in respect of the proposed replacement of the level crossing.

Appendix 3 – A draft minute of meeting of the Kirknewton Community Council held on 8th December 2009.

Finally, the Transportation Manager responded to questions raised by elected members. He advised that the delivery partners were of the view that the proposal was the best available in terms of design layout and standards, pedestrian and vehicular connectivity, minimising land take, visual intrusion and deliverability in terms of cost.

The Council Executive was recommended to:

1. note the progress made by Network Rail, working in partnership with council officers, on designing the new underbridge, associated new section of road and the pedestrian underpass;
2. authorise the entering of an agreement on the general terms outlined in the report with Network Rail on the underwriting of the acquisition costs for the new road, underbridge and pedestrian underpass;
3. note that the council would commission when appropriate the Valuation Office Service to commence negotiations for the acquisition of the land required by agreement to deliver the project; and

4. authorise officers to commence the compulsory purchase of the land required and settle compensation claims on behalf of the council should the negotiations referred to in 3 above failed within an acceptable timescale to the partners.

Decision

1. To delay a decision for one month to allow council officers to open dialogue with Kirknewton Community Council and Network Rail, to see if a compromise solution could be found.
2. That a report come back to the Council Executive on 23rd March and that a representative from Network Rail be invited to attend the meeting.