

SECTION 118A – HIGHWAYS ACT 1980

KENT COUNTY COUNCIL

**(Public Footpaths CW80 & CWX40, Whitstable) Rail Crossing Extinguishment and
Definitive Map and Statement Modification Order 2018**

GLEBE WAY LEVEL CROSSING

RAIL CROSSING EXTINGUISHMENT ORDER 2018

SUMMARY PROOF OF EVIDENCE – DAMIAN HAJNUS OF NETWORK RAIL

PINS REFERENCE: ROW/3226477

1. My name is Damian Hajnus and I am employed as Liability Negotiations Manager at Network Rail (NRIL)
2. My evidence will deal with the following matters:
 - 2.1 The overall basis for, and expediency of, the Rail Crossing Extinguishment Order (the Order).
 - 2.2 Description of the locality of Whitstable and its demographics.
 - 2.3 The nature and status of Glebe Way Level Crossing (“the Crossing”), present-day public use of the Crossing, the wider public right of way network, existing alternative pedestrian routes excluding use of the Crossing and their relative safety and convenience, etc. and prospective residential development of land within the local surrounds of Whitstable and in proximity of the Crossing.
 - 2.4 Consideration of local transport network and communal links in order to examine how local amenities and facilities are accessed, especially in hypothetical absence of the Crossing, in order to give proper consideration of expediency.
 - 2.5 Local amenities and facilities, including their relative accessibility, especially; local schools, places of worship, shops, surgeries, leisure facilities etc.
 - 2.6 NRIL’s governance within the context of safety promoting risk mitigations and optioneering with a view to answer the question whether it is reasonably practicable to maintain a crossing facility at the location of the Crossing by scoping possible risk-mitigating solutions. With regards to optioneering, I will give an overview of NRIL’s governance of infrastructure projects to give a wider understanding of the publicly funded, option development and selection process.
 - 2.7 I will consider the above within the statutory framework of section 118A of the Highways Act 1980 (“the 1980 Act”) and with specific regard to public safety and wider expediency matters. As regards public safety, my evidence scrutinises the nature and extent of public use of the Crossing, other pedestrian behaviour which has been evidenced to take place on and around the Crossing, and the risk presented to

public safety by such use and behaviour.

- 2.8 My evidence will also turn, in the above context, to section 118A(1) of the 1980 Act, whether closure of the footpath crossing the railway “...is expedient in the interests of the safety of members of the public using it or likely to use it...” and further, whether, in overall terms (i.e. “having regard to all the circumstances”, it is expedient for the Crossing to be extinguished under the Order.
- 2.9 Further and following NRIL’ Statement of Case, I will give an overview of NRIL’s policy on prevention of suicides in the context of the Crossing.
- 2.10 Finally, my evidence will deal with representations made by the objectors to the order with particular focus on the suitability, safety and commodiousness of alternative routes.

Damian Hajnus, Network Rail

14 September 2020