

From: Haggett Camilla
To: ["TRANSPORTANDWORKSACT"](#)
Cc: [Mike Kelly](#); [Robin Carr \(robin.carr1@btinternet.com\)](#); [Smith Laurence](#); [Mallaby Hugo](#); [Evans Denise](#); [Hughes Graham](#)
Subject: RE: TWA/17/APP/03/OBJ/12 - Cambridgeshire Level Crossing Reduction Order - Pre-Inquiry meeting date
Date: 11 August 2017 16:39:00
Attachments: [Network Rail Cambridgeshire Level Crossings Order ref TWA17APP03OBJ12.msg](#)
[RE Cambridgeshire Public Inquiry Venue Request.msg](#)
Importance: High

Dear Caroline,

Thank you for your email. I have also now received the letter sent to Graham Hughes at the County Council.

Date of pre-inquiry meeting

Cambridgeshire County Council objects in the strongest terms to the proposed date of 23rd August for the pre-inquiry meeting on grounds that the Transport and Works (Inquiries Procedure) Rules 2004 ('the Rules') have not been followed, and that the date proposed is contrary to natural justice.

Rule 8 (2) states:

The inspector shall arrange for not less than 2 weeks' written notice of a meeting pursuant to paragraph (1) to be given to the applicant, each statutory objector, any other person known at the date of the notice to be entitled to appear at the inquiry, and any other person whose presence at the meeting appears to him to be desirable.

The Department for Transport letter giving notice of the pre-inquiry meeting is dated 10th August 2017 and was received by Cambridgeshire County Council on the 11th August. The proposed date for the pre-inquiry meeting is Wednesday 23rd August 2017. That is 13 days after the date of the letter, not 14 days (and 12 days from the date of receipt). Therefore this is ultra vires and not in accordance with the Rules.

The County Council also takes issue with the lack of notice given that the 23rd August is right in the middle of the summer school holidays, the week before the bank holiday on the 28th August. Many people and objectors who may wish to attend may well be on holiday and will not receive the Notice in time or be able to attend.

It is highly unlikely that anyone from the County Council will be able to attend (the case officer and the relevant County Solicitor are on leave, and the Authority's Advocate is also not able to attend due to prior commitments. I did advise you of this in my email of 9th August 2017 (attached). At such short notice and in the holidays it is impossible for us to make arrangements for others to attend who would be able to make the necessary decisions for the Authority. Given that the County Council is the highway authority for the Order concerned, and is a statutory objector, it is critical that it should be able to attend. We consider that the Authority's interests and those of the public that it represents would be seriously prejudiced by the date proposed.

We would also point out that many of the objectors are landowners, and are in the middle of harvest. The notice is extremely short and we contend that it is contrary to natural justice.

The County Council requests that the meeting is re-scheduled with due notice in accordance with the Rules.

We respectfully request that this email is put urgently before the Inspector for her decision. I would be grateful if you would confirm that this has been done. The County Council will raise this issue of procedural irregularity and of prejudice at the Inquiry if it is not addressed by the Inspector now.

Venue

I wish to note that the venue in Bar Hill is nowhere near any of the crossings concerned. I am especially disappointed given that the applicant asked the County Council for its advice on venues and I took the trouble of consulting colleagues at East Cambridgeshire District Council. I provided a number of suggestions near Ely and on the south side of Cambridge which would have been more appropriate (see attached). I am concerned that local people and landowners, many of who do live in the Fens and not have large means, may be prejudiced if they are not able to attend. You may also wish to be aware that there are long-term roadworks on the A14 serving Bar Hill which often cause delays. I would request that this information is passed on to the Inspector is advised.

Statement of Case

With regard to the Statement of Case, I appreciate that you have to follow due procedure. However, I would point out that, as the Secretary of State and the Applicant have been aware, the County Council has had to work to proceedings under s239 Local Government Act 1972 due to purdah caused by local elections, and was only able to submit its full response on the 28th July 2017. Having to follow the s239 procedure has caused significant additional work. Therefore it is reasonable that the County Council has 6 weeks from that date in which to submit its full Statement of Case and bundle of evidence. Please would you forward this to the Programme Officer for him to take into consideration.

I would also note that the DfT letter of 10th August only refers to the County Council's holding objection of 19th April 2017, and I would have expected this to refer also to our full response of 28th July 2017.

Kind regards,
Camilla Rhodes

Mrs Camilla Rhodes (Haggett) MA MLE MRICS
Asset Manager – Information
Highways Service, Cambridgeshire County Council, Box No. SH1313, Shire Hall, Cambridge, CB3 0AP

Direct Dial: 01223 715621
Contact Centre: 0345 0455212

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