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Date: 21st March 2017
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By Email only

Dear Mr Schofield,

**Re: Network Rail - Anglia Level Crossings Reduction Strategy
Cambridgeshire County Council formal response pre-deposited Transport & Works
Act Order**

I am writing to provide Network Rail (NR) with Cambridgeshire County Council's ('CCC's) formal position on the Anglia Level Crossing scheme proposals following a report to its Highway & Community Infrastructure Committee ('Committee') on 21st February 2017. This report was based on NR's second Public Consultation in September and alterations of December 2016, following agreement with NR that it would be helpful for CCC to provide a formal position statement prior to the draft Transport & Works Act Order ('TWAo') being deposited.

A report had been presented to the December 2016 Committee meeting, but on the day of the meeting, NR issued changes to seven of the proposals as a 'public information update', and withdrew the C19 Wicken Road proposal. A further report on the seven schemes affected was therefore presented to the January meeting, but due to outstanding issues relating to proposal C20 Leonards (FP101 Soham), the item was deferred to enable alternative proposals to be explored further. This was done, resulting in the final report to Committee on the 21st February. Just before that meeting, NR withdrew proposal C06 Barrington Road. The Committee decision reflected that, and therefore this letter forms the approved position of CCC up to the 21st February.

It is recognised that NR published its draft Cambridgeshire TWAo on 14th March 2017. The County Council foresaw that NR's timescale and period for formal representations would, unfortunately, be likely to coincide with CCC's purdah period running up to elections on 4th May. This means that CCC is not able to take a report to Committee for approval of its formal response to the TWAo until purdah is over. Consequently, on 21st February Committee delegated to the Executive Director Economy Transport & Environment the authority to make a holding response, pending its democratic process allowing a full response, in accordance with s239 Local Government Act 1972. The County Council will therefore be writing to NR shortly with its holding response to the formal TWAo consultation. The full response is likely to be made in July 2017.

CCC welcomes the engagement that NR and its contractors have made with all stakeholders to work on the proposals, and the public consultations that have been undertaken. It is appreciated that, as at 21st February, four proposals had been removed from the scheme and that various changes have been made to other proposals as a result of the consultations. It is also noted that the C18 Muncey's proposal was withdrawn on 14th March 2017.

However, the County Council observes that, by seeking the changes to the highway network through a TWAO, NR have been able to avoid paying fees to the Council that would be associated with usual applications under the Highways Act. Officers have already spent in excess of 450 hours on the scheme, amounting to over £30,000 of officer time, adversely affecting the delivery of other work, whilst not being able to dedicate the usual attention that it would normally do to public path order proposals. The County Council already has an agreement with the Department for Transport to fund officer time spent working with Highways England on the delivery of the A14 road scheme. CCC considers it reasonable to request a similar agreement for the delivery of NR's TWAO in order to enable the Authority to recover its costs associated with NR's scheme. Please would you arrange a meeting with officers to discuss this, through Camilla Rhodes, Asset Manager – Information?

The County Council considered that the Diversity Impact Assessment Scoping Report (DIA) provided for the scheme was fundamentally flawed in a number of ways in respect of its duties under the Equalities Act 2010, which it set out in its letter of 9th November 2016. It welcomes Mott MacDonald's response of 15th December. It is noted that there are still areas of disagreement around methodology, but that there are also areas of acceptance. The County Council looks forward to receiving the detailed DIAs for review.

CCC's current position on the scheme is, in summary, as follows¹:

CCC Position (including private crossings)	As at 21.02.2017 (No. of Crossings)	Including removal of C06 & C18 since Committee report
No objection	15	15
Holding objection (including one crossing in Newmarket, Suffolk)	6	6
Objection	11	9
TOTAL crossings	32	30

CCC's current position on each individual crossing is set out in the attached Appendix 1. These are without prejudice to CCC's full formal response to the actual draft TWAO, and are also subject to ongoing negotiations and additional information that may come to light. Ideally, CCC would have been able to physically inspect all the proposed alternative routes, but officers are not able to do so without landowner consent, which would have required NR to arrange. Consequently, CCC reserves the right to change its position in light of additional information. This will also influence negotiations over commuted sums, on which CCC is writing to you separately.

The key reasons for the County Council objecting to nine of the proposals include: lack of a safe alternative route; diminution of the connectivity of the ROW/highway network; diminution of enjoyment for users; reduction in access to green space for physical and mental well-being; unreasonable increase in liability for the Highway Authority; and a significant impact on promoted routes. Holding objections are being made where data, in particular flood event data, is awaited to enable CCC to fully evaluate proposals (namely C03 West River, Little Thetford FP3); C21 Newmarket Bridge, FP24 Ely; and C22 Wells Engine, FP23 Ely), and where negotiations over solutions are still ongoing. The County Council reserves its right to either withdraw these holding objections, or to make outright objections to these proposals. More detailed information as to CCC's position and actions requested in relation to issues that have arisen since the last meeting with NR on 16th December 2016 are set out in the attached Appendix 2.

CCC's position is that it intends to object to as many of the proposals as are unresolved by the time of the deposited order, and would seek a public inquiry to hear its case on those proposals.

¹ Please note that there was an error in the calculation in the officer report

Please would you acknowledge receipt of this letter and let us have any comments you may have on the points raised, in particular with regard to how CCC views the process for formal response to the TWAO in light of purdah coinciding with the formal period for representation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mac McGuire', with a long horizontal flourish extending to the right.

Councillor Mac McGuire
Chair, HCI Committee

Cc Nicholas Eddy, Network Rail
 Isaac Adjei, Network Rail
 Andrew Kenning, Network Rail
 Steve Day, Network Rail
 Jason Smith, Mott MacDonald

APPENDIX 1 - Summary of Cambridgeshire County Council Position as approved by HCI Committee 21.02.2017
Maps of Network Rail's proposals can be found at <http://www.networkrail.co.uk/anglialevelcrossings/>

MM REF	NAME	HIGHWAY/PROW REF	PARISH	CCC POSITION	PROVISO/ACTION
C01	Chittering	Waterbeach FP18	Waterbeach	No objection	None provided proposal delivered in full
C02	Nairns No. 117	Private Crossing	Waterbeach	No objection	N/A- No highways affected.
C03	West River Bridge	Little Thetford FP7	Little Thetford	Holding objection	Pending flood data and mitigation; required infrastructure must be installed; commuted sum agreed
C04	No Name No 20	Meldreth FP10	Meldreth	Object	Alternative option unsatisfactory
C05	Flambards	Proposal removed	Shepreth	N/A	N/A Proposal removed
C06	Barrington Road	Highway (Barrington Road) - Bridleway crossing	Foxton	N/A	Proposal removed, Request for NR to work with CCC and City Deal on long term solution
C07	No Name No. 37	Harston FP4	Harston	Holding objection	Pending outcome of solutions
C08	Ely North Junction	Ely FP11	Ely	Object	Alternative option unsatisfactory unless width resolved
C09	Second Drove	Ely FP49	Ely	No objection	Provided agreed solution delivered
C10	Coffue Drove	Downham BOAT 44	Downham	No objection	Provided required infrastructure delivered
C11	Furlong Drove	Downham BOAT 33	Downham	Object	Insufficient mitigation for southern section of BOAT for all users, Upgrade of FP9 Downham should be to a BOAT to accommodate motorcyclists. Southern cul-de-sac should remain.
C12	Silt Drove	Public Highway (Silt Drove, March)	March	No objection	Provided bridleway access and private rights retained
C13	Middle Drove	Public Highway Middle Drove (March)	March	No objection	Provided bridleway access rights retained
C14	Eastrea Cross Drove	Whittlesey FP50	Whittlesey	No objection	Provided agreed solution delivered
C15	Brickyard Drove	Whittlesey FP48	Whittlesey	No objection	Provided agreed solution delivered
C16	Prickwillow 1	Ely FP17	Ely	No objection	Provided agreed solution delivered
C17	Prickwillow 2	Ely FP57	Ely	No objection	Provided agreed solution delivered
C18	Munceys	Fordham FP19	Fordham	Object	Alternative options unsatisfactory
C19	Wicken Road	Soham FP106	Soham	N/A	N/A Proposal removed from scheme 05.12.2016
C20	Leonards	Soham FP101	Soham	Object	No need to close. Alternative option unsatisfactory.
C21	Newmarket Bridge	Ely FP24	Ely	Holding objection	Pending flood data and mitigation to enable analysis of proposal.
C22	Wells Engine	Ely FP23	Ely	Holding objection	Pending flood data and mitigation to enable analysis of proposal.
C23	Adelaide	Ely FP49	Ely	N/A	N/A Proposal removed
C24	Cross Keys	Ely FP50	Ely	No objection	Provided agreed solution delivered
C25	Clayway	Littleport FP11	Littleport	Object	Loss of valued route. Alternative option unsatisfactory
C26	Poplar Drove No. 30	Public Highway (Poplar Drove)	Littleport	No objection	Provided BOAT 30 diverted as a BOAT for C27 proposal, and that solution for Poplar Drove delivered
C27	Willow Row Drove	Littleport BOAT 30	Littleport	Holding objection	Agree with principle of solution but bridleway link needs to be BOAT status to accommodate motorcyclists, i.e. divert BOAT 30
C28	Black Horse Drove	Public Highway (Black Horse Drove)	Littleport	No objection	Provided all highway rights stopped up west of crossing and bus route resolved
C29	Cassells	Brinkley FP1	Brinkley	Holding objection	Provided Highways Development Management and engineering requirements can be met
C30	Westley Road	Public Highway (Westley Road, Westley Waterless Road)	Westley Waterless; Brinkley	Object	Unless retain public access for all NMUs and motorcycles (2-wheeled vehicles), and private vehicular access for local estate.
C31	Littleport station	Station Road	Littleport	No objection	Provided required infrastructure and flood mitigation delivered
C33	Jack O'Tell	Private crossing - alternative affects FP16 & FP17, and public UCRs (Cross Drove and Long Drove)	Waterbeach	Object	Pending discussions concerning impact on local highway network
C34	Fyson's	Private crossing - alternative affects Cross Drove and Long Drove UCRs	Waterbeach	Object	Pending discussions concerning impact on local highway network
C35	Ballast Pit	Private crossing - alternative route affects BOAT 14 Waterbeach, Long Drove and Cross Drove	Waterbeach	Object	Pending discussions concerning impact on local highway network
S22	Weatherby's	Private crossing. All users diverted to use Cheveley Road underbridge, along footways alongside Cricket Field Road, New Cheveley Road and Granary Road	Newmarket, Suffolk	Holding objection	CCC would support the ongoing negotiations to resolve the matter and enable continued access for users.

APPENDIX 2

Actions/specific issues arising from HCI Committee decisions/discussions with users

C06 Barrington Road

With regard to C06 Barrington Road, CCC requests that NR works with the County Council and City Deal on the long term solution for the whole junction.

C09 Ely North (FP11 Ely)

CCC objects to this proposal as it stands due to the restricted width, but would accept the proposed diversion if an unobstructed width of 2 metres can be achieved throughout the length of the path in accordance with its diversions policy. It would then also be willing to retain the dead-end eastern section, provided that the extent to be retained is agreed with CCC and through consultation with local users.

C11 Furlong Drove (BOAT 33 Downham)

Discussions have been ongoing without final resolution on this proposal owing to CCC's concern over the lack of suitable alternatives for NMUs. In addition, CCC is aware that the Trail Riders Fellowship ('TRF'), a user group for leisure motorcyclists, are unhappy with the proposal as they have not been accommodated at all in the proposal. CCC considers that it would be reasonable for the BOAT to remain at that status to the north of the railway, and for proposed bridleway link to be upgraded to BOAT to retain connectivity for motorcyclists, with or without a Traffic Regulation Order ('TRO') over this section. The southern section could be retained as it is used by motorcyclists at present as a pleasant cul-de-sac. This matter arose too late to be included in the Committee report, and so officers would welcome further discussion with NR to agree a solution prior to any public inquiry.

C20 Leonard's, Soham (FP106 Soham)

CCC objects in principle to this proposal on the basis of the grounds that the alternative route is not a suitable replacement because:

- The majority of users travel from the south, making circular routes with South Horse Fen Common and the popular 'Wicken Walks'. People walk to the pub in Wicken to the south-west. The alternative route is two and a half times as long for these users (rising from 200m to 555m).
- Local opinion is that the enjoyment of these users would be significantly affected by the closure.
- NR has recently invested in the crossing with new gates, and the County Council has recently installed two new bridges, none of which could be reused on the new route. Closure would therefore represent a waste of resources at a time of scarce public resource.
- There are no recorded safety incidents. It is a long, straight stretch of line. The crossing is close enough to the Mill Drove road crossing that footpath users may be able to hear the automated warning sounds from the road crossing when a train is approaching.
- In addition, the Ramblers consider that the approach along FP114 would be unattractive, as it traverses a heavy clay field.

Should the Secretary of State allow the proposal, CCC would offer an alternative solution that would make the proposal more acceptable to the County Council and stakeholders.

C26 Poplar Drove & C27 Willow Row Drove (Littleport)

With regard to C26 Poplar Drove, CCC's position is without prejudice to the fact the route is recorded as a public unclassified road on highway records, and has been used by the public as such, and is maintained by the highway authority as such.

With regard to the proposal C27, CCC is aware that the Trail Riders Fellowship ('TRF'), an acknowledged user group, object to the closure of BOAT 30 as it provides them with access to an extensive byway network. As the proposal stands, they would lose access to this BOAT. It is therefore a reasonable position to request that the BOAT simply be diverted over the line of the proposed bridleway link, with a Traffic Regulation Order ('TRO') preventing 4x4 vehicles from using it. This would enable all NMUs and motorcyclists to use it. The TRF confirmed to CCC that this would mitigate their concerns sufficiently to withdraw their objection. The TRO would ensure that maintenance liability for CCC could be controlled, and that unauthorised access could be prevented to adjoining farmland. CCC would welcome further discussion on this proposal to agree the solution.

In addition, CCC has received a letter from the resident of The Bungalow adjacent to the Poplar Drove Crossing. The resident raises concerns about the safety of users of the crossing, as he has observed the gate being left open by private users on a regular basis. Under NR's proposal, the vehicular gate at the Poplar Drove crossing would be locked and access given only to registered key holders, with a bridlegate installed alongside to allow public access for non-motorised traffic and motorbikes. If Willow Row Drove crossing is closed to all users, this would generate additional agricultural traffic along Poplar Drove, which could pressurise non-motorised leisure traffic. It could also increase the incidence of the gate being left open, putting lives at risk, affecting other user journeys, and increasing the potential for collateral damage to The Bungalow, should a collision occur. Therefore, if this proposal is carried through, it sounds as if additional measures need to be undertaken to improve safety at the crossing. The County Council would request that NR responds to these concerns and mitigates them through additional safety measures.

C33 Jack O'Tell; C34 Fyson's; C35 Ballast Pit private crossings

CCC's position covers four private crossing proposals, of which it objects to these three on grounds of the detrimental impact to the highway network as a result. It is disappointed that it has not been possible to discuss these proposals with NR as yet, and would request a site meeting together with the landowners to move the matter forward.