

Haggett Camilla

From: Haggett Camilla
Sent: 08 July 2016 16:43
To: Day Steve
Subject: Re: Anglia Level Crossing Reduction Strategy - Poplar Drove, Littleport
Attachments: Extract from 1910 Finance Act Map - Foxton.pdf; Extract from 1910 Finance Act Map - Poplar Drove.pdf; Extract of 1910 Finance Act map Black Horse Drove.pdf; Extract of 1910 Finance Act map Shepreth.pdf

Dear Steve,

Thank you for your email and evidence which we have now had opportunity to consider.

Thank you for pointing out that the Barrington Road crossing is a public road with a PDO, which is of course correct. The PDO restricts traffic effectively to bridleway status, by prohibiting vehicles altogether along the 23m stretch, and prohibiting the riding of bicycles but not pedestrians pushing bicycles, the riding of horses or pedestrians.

Please find attached the various 1910 Finance Act map extracts requested. All these match our almost contemporary records and show the railway and land immediately adjoining coloured (as owned by the railway board) and the roads uncoloured.

The Act is dated 1845 and as you say, lists Poplar Drove as being owned by various landowners, and the Surveyor of Highways was not referred to as an interested party.

Willow Row Drove (plot 133) and Black Horse Drove (plot 171) are similarly listed in the Act, yet shown 65 years later on the 1910 Finance Act maps in the same way as Poplar Drove as being uncoloured. They also all shown on our inherited highway records of 1930 as being maintainable at public expense either side of the crossing.

It is our experience that many minor roads which were public ways prior to inclosure (or roads along similar alignments) were re-set out at inclosure as private roads, probably to avoid having to maintain them at the same standard as public roads (remembering that parishes were responsible for the maintenance of roads at the time). Littleport's inclosure award and map only covers south of the village, but by way of example, it dates from around 1836, so just prior to the Railway Act of 1845. The Award stopped up 18 public footways and 1 private road, and set out just 6 new private roads and no public ways. However, many such private roads had by the early 20th century become maintainable at public expense by local authorities, and this is true of Littleport and other parishes such as Witcham. Examination of the geography of such routes suggests that this is because they connected communities, were well-used, were of general public utility and had therefore been adopted. This status was inherited by the County Council following the Local Government Act of 1929 and has never been questioned by landowners, the public, the County Council, or Network Rail or its predecessors.

I understand that in 1845 the Railway Act stated that Poplar Drove was in private ownership. The fact of the matter is that this road along with Willow Row Drove and Black Horse Drove subsequently came to be highways maintainable at public expense through usage and formal recognition by the highway authority. These three happen to be crossed by the railway, but there are many other such roads across the county of similar origin that aren't, and no-one would question that they are highways that came into being through usage and adoption, as proved by the historic highway record.

I hope this helps understanding.

Kind regards,
Camilla

Mrs Camilla Rhodes (formerly Haggett)
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From: Day Steve [<mailto:Steve.Day@networkrail.co.uk>]
Sent: 01 July 2016 12:00
To: Haggett Camilla
Subject: RE: Anglia Level Crossing Reduction Strategy - Poplar Drove, Littleport

Dear Camilla

Thank you for your email.

Regarding the plan you have enclosed for Poplar Drove, is it the blue line or the yellow line that is indicative of the existence of public road status, please?

I note that you have not included extracts of the Land Value Duty Maps. It would be interesting to compare the LVD map for Poplar Drove with public road level crossings.

Also, I must confess to being unable to locate the railway on the Littleport map, although perhaps this was included only to show how roads were referenced.

I would also observe that Barrington Road is not currently a bridleway at the level crossing, but a public road with a Prohibition of Driving Order dating from 1973.

For comparison with Poplar Drove, I attach a summary of the railway referencing for the road at Shepreth Station. You will see that it is referenced as a Public Highway, owned by the Surveyor of Highways, and is expressly authorized to be crossed on the level by s. 15 of the Authorizing Act. Poplar Drove, however, is referenced only as a Drove in private ownership, with no reference to a public interest.

Closer to Poplar Drove is Littleport Station level crossing, which is referenced as a Turnpike Road and authorized to be crossed on the level by s. 22 of the Lynn and Ely Railway Act 1845. This Act, which also covers Poplar Drove, is attached.

Kind regards

Steve Day
Liability Negotiations Adviser (Anglia & South East)



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From: Haggett Camilla [<mailto:Camilla.Haggett@cambridgeshire.gov.uk>]
Sent: 21 June 2016 11:51
To: Day Steve

Subject: Re: Anglia Level Crossing Reduction Strategy - Poplar Drove, Littleport
Importance: High

Dear Steve,

At the Littleport exhibition I attended on the 8th June it was apparent that Poplar Drove is still being shown as private in your plans. In checking my emails I realised that you had queried my confirmation of the status of the route as being public back in February, and although I did ask for this to be double-checked at our end I'm afraid it got subsumed amongst other work. I'm really sorry about the delay.

My team has now researched this again and we wonder if perhaps there has been confusion over what is highway maintainable at public expense by CCC and what is highway not maintainable by CCC.

We are confident that Poplar Drove is public because all our highway maps show the route in the same way as other well established public roads.

The 1930s highway 'handover' maps for Poplar Drove shows the road coloured in right up to either side of the crossing over the railway line. The same is true for other level crossings in other areas of Cambridgeshire. The LVD 1910 Finance Act maps support this position. We believe that this proves that the routes are public highway along their whole length, and are maintainable at public expense with the exception of the crossings which are maintainable by Network Rail.

There are examples below of other crossings in the County where the records are shown in the same way and for which there is no dispute that the highway crosses the line, but the crossing itself is not maintainable by CCC. I have attached evidential extracts of each for your reference.

- Littleport: Minor public roads are shown in blue and major roads in red. See the attached key which explains the classification.
- Foxton: The red colour is the A10 route; the brown shows the former Barrington Road which of course is currently a bridleway at the crossing itself.
- Shepreth: Both the handover map and the South Cambs maintenance map (which used the 1903 OS County Series map base and was drawn up around the 1920s) show the highway maintainable at public expense ending at the crossing then carrying on. This route is still open and highway exists over the crossing but is not maintained by CCC.

Poplar Drove is the same: the crossing itself is NWR owned land but there are highway rights over it linking the highway either side.

Please would you now correct your records?

I would then appreciate discussion over the proposed solution for the route given the implication for the highway network, as set out in my email below. I did hear comments from user groups at the Littleport exhibition which support the County Council's view stated in my email of 1st February.

Kind regards,
Camilla

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- ? For all other highways please see our [highway records](#) page for information on our new charges.
- ? If you wish to find out for free whether a road is maintainable at public expense please view our [interactive map](#).

From: Day Steve [<mailto:Steve.Day@networkrail.co.uk>]

Sent: 02 February 2016 14:59

To: Haggett Camilla; 'Weir, Daniel J'; Kenning Andrew

Cc: Mielczarek Zaneta; Cheng Edward; Smith Jeremy; Kenning Andrew; Smith, Jason A; Coates, Will D; Smith Laurence; Rigney James; Gaskin Peter; Darrington Michelle; Collins Catherine; Murden Emma; Ashman Daniel; Champion Karen

Subject: RE: Anglia Level Crossing Reduction Strategy - CCC amended comments

Dear Camilla

Thank you for confirming the correct details of Willow Row Drove level crossing. I have amended my records.

Regarding Poplar Drove, I did check the status of the level crossing with your authority's Richard Braun in 2005. I attach the correspondence. Has further evidence come to light since that time showing that this email was incorrect?

Kind regards

Steve Day

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From: Haggett Camilla [<mailto:Camilla.Haggett@cambridgeshire.gov.uk>]

Sent: 01 February 2016 17:31

To: 'Weir, Daniel J'; Kenning Andrew

Cc: Mielczarek Zaneta; Cheng Edward; Smith Jeremy; Kenning Andrew; Day Steve; Smith, Jason A; Coates, Will D; Smith Laurence; Rigney James; Gaskin Peter; Darrington Michelle; Collins Catherine; Murden Emma; Ashman Daniel; Champion Karen

Subject: RE: Anglia Level Crossing Reduction Strategy - CCC amended comments

Dear Daniel,

Thank you for the summary spreadsheet. I have annotated with my comments in red and crossed out what is not correct.

We have checked the status of the three droves north of Littleport; no change to Black Horse Drove or Willow Row Drove (although I have corrected the name and BOAT reference number for the latter). However Poplar Drove is definitely unclassified public highway on our records. This creates a good circular off-road route for vulnerable road users linking to a wider but limited network of byways and minor roads avoiding the A10. Extinguishing this would be against our Rights of Way Improvement Plan policy adopted in 2006, and we'd resist losing the network. We'd therefore request that you consider Restricted Byway status, and you would certainly need to consult all user groups and the LAF.

You should now have all the contact details for all the user groups including the British Driving Association (BDA, horses and carriages) and Trail Riders' Fellowship (motorbikes, TRF) as well as LARA (4x4s) and the Local Access Forum (LAF).

We look forward to discussing these further and receiving details of the next stages.

Kind regards,
Camilla

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