

TRANSPORT AND WORKS ACT 1992

**TRANSPORT AND WORKS (INQUIRIES
PROCEDURE) RULES 2004**

**THE NETWORK RAIL
(CAMBRIDGESHIRE LEVEL CROSSING
REDUCTION)
ORDER**

PROOF OF EVIDENCE

-OF-

ANDREW KENNING

Document Reference	NR30/1
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1. INTRODUCTION

- 1.1. My full name is Andrew Kenning. I am a Senior Project Engineer working for the Level Crossing Development Team (the project team) based in Milton Keynes. I have spent my whole career (29 years) working in the signalling department of the rail industry. Since I joined Network Rail in 2008, I have been employed in numerous Project Engineer positions on various projects, from large multi-discipline re-signalling schemes, to small specific types of equipment renewals. I have worked with / on level crossings as a Project Engineer for the last 6 years continuously and intermittently throughout my career as a Signalling Tester.
- 1.2. Whilst working for Network Rail I also spent 2 years working within the Anglia Route as an Asset Engineer (level crossings). An Asset Engineer is a role within the Route Asset Managers (RAM) team. I worked in the Signalling RAM team, my role within this team was to monitor the condition of the level crossing assets and manage the renewal programme for the level crossings within Anglia Route. I was also responsible for ensuring projects working on level crossings were delivering an asset the Signalling RAM would adopt as a live asset. Whilst my role was predominately concerned with the active level crossing assets, I was also aware that there were a large number of passive level crossings that, with the development of new technology, would have active assets deployed at them in the near future (within the team we considered near future as being within 10 years). During this time I was involved in workshops where the development of a level crossing reduction strategy was discussed, and, following the workshops I was asked to write the Anglia Level Crossing Reduction Strategy (this is the CRD Anglia CP5 Level Crossing Reduction Strategy (NR18)) based on the outputs of the workshops. The Anglia Level Crossing Reduction Strategy was a standalone strategy, which whilst dealing with opportunities specific to Anglia Route also embodied other national strategies, as mentioned in the Statement of Case (NR/26). The production of the Anglia Level Crossing Reduction Strategy led, in part, to the project which is the subject of the current Order.
- 1.3. My roles and responsibilities in my current role on this project are to ensure that the proposed changes to the level crossings on the Anglia Route (which I refer to as “the project”) are fit for purpose (in terms of the users), that they are designed to the appropriate standard (i.e. that any new or diversionary routes are suitable for adoption by the highway authority), and that the changes meet the needs of the operational railway. As part of the development of the proposals contained within this Order, Network Rail has engaged contractors to assist with the technical development and wider appraisal of the proposed changes. I am responsible and accountable within Network Rail for the technical elements of the contractors’ work.

2. SCOPE OF EVIDENCE

- 2.1. In this Proof of Evidence, I explain how the proposals contained within the Order were developed, including through consultation carried out with the highways authorities, other stakeholders, and members of the public (Section 3), and describe, in general terms, the works which would be required to implement the Order, if approved (Section 4).
- 2.2. I then set out a description of each of the crossings contained within the Order, and discuss Network Rail's proposals for the same. The individual crossings are addressed in the following sections of this Proof:

Code	Name	Section
C01	Chittering	5
C02	Nairns (No 117)	6
C03	West River Bridge	7
C04	No Name No 20	8
C07	No Name No 37	9
C08	Ely North Junction	10
C09	Second Drove	11
C10	Coffue Drove	12
C11	Furlong Drove	13
C12	Silt Drove	14
C13	Middle Drove	15
C14	Eastrea Cross Drove	16
C15	Brickyard Drove	17
C16	Prickwillow 1	18
C17	Prickwillow 2	19
C20	Leonards	20
C21	Newmarket Bridge	21
C22	Wells Engine	22
C24	Cross Keys	23
C25	Clayway	24
C26	Poplar Drove	25
C27	Willow Row	26
C28	Black Horse Drove	27
C29	Cassells	28
C30	Westley Road	29
C31	Littleport Station Barrow Crossing	30
C33	Jack O'Tell	31
C34	Fysons	32
C35	Ballast Pit	33

3. DEVELOPMENT OF THE DRAFT ORDER

- 3.1. Eliane Algaard has discussed in her Proof of Evidence how the Anglia Level Crossing Reduction Strategy (“the Strategy”) came into being and what it is intended to achieve. (A copy of the Strategy can be found at NR/18). As can be seen from that Strategy, Network Rail Anglia Route was looking to achieve a number of objectives in during Control Period 5 (CP5):
- i. Rationalising the level crossings on the Anglia Route: for example by reducing the number of at-grade level crossings where opportunities existed for diverting users to a pre-existing alternative crossing point of the railway;
 - ii. Removing level crossings which were either dormant – in the sense of being sleeping dogs for example, because there is no crossing at the point shown on the Definitive Map and Statement – or that the route was not usable;
 - iii. Regularising status of existing level crossings: for example, where a level crossing had the status of a public road, but there was no public road network beyond the level crossing point (or only for a very short distance), or there was a dispute as to the nature of rights enjoyed over a level crossing point; and
 - iv. Downgrading rights enjoyed over a specific level crossing – e.g. to remove the higher, unused public status with a view to facilitating any further action which might be taken in respect of that crossing point in the future.
- 3.2. As set out in the Proof of Evidence of Eliane Algaard, it is Network Rail’s intention to look at reduction of level crossings across the network in a number of phases. She sets out at **section 2.6 of her Proof**, what we were looking at in particular for this phase (the project) were opportunities to reduce the number of at grade level crossings on the Anglia Route, where opportunities existed for doing so without the need to provide expensive replacement infrastructure, such as bridges or underpasses. As set out in the Strategy, it was anticipated that closure of at-grade level crossings which did require such infrastructure to be provided would be looked at in a later phase of the Strategy and so those level crossings were omitted from this project.
- 3.3. In terms of identifying those opportunities, this was initially done by way of a desktop exercise. When assessing the level crossings we used the following as a broad means of assessment criteria:
- i. where there were level crossings which had another crossing point nearby;
 - ii. where there was already an alternative option to the route passing over the level crossing which would take users to and from broadly the same point; and

- iii. where the path over the level crossing did not appear to serve a useful purpose, in the sense appearing to terminate at the level crossing or be otherwise severed (e.g. C28 Black Horse Drove, where the public road stops beyond the level crossing with no onward public rights of way).
- 3.4. We also looked at level crossings where in the past we had looked at options to divert or downgrade rights over the level crossing, but where we had not been able to do so, for example, because negotiations with the affected landowner(s) had not resulted in agreement or objections had been received by the highway authority (e.g. C16 and C17 Prickwillow level crossings).
- 3.5. When we were looking at using alternative crossing points of the railway, we were looking to divert to either a grade-separated crossing, an active level crossing, or, if a diversion to such crossings was not practicable, we looked at an alternative passive level crossing in the area. In deciding which level crossing to retain we would retain the highest status. An example of this would be C09 Second Drove where we decided that it would be better to divert users of Second Drove (a footpath) to Clayway (150 m away – see plan) (which is a bridleway, and thus enjoys more extensive user rights), rather than diverting users of Clayway to Second Drove.
- 3.6. Where we identified a situation where there were two or more level crossings which would seem to provide an alternative route for the other, or a potential alternative crossing point if one were to be shut, we then went on to consider which of the level crossings seemed to best correspond with the ‘desire lines’ of the users and/or minimise impact on the existing users of the level crossings in the area. An example of this is C01 Chittering where the desire line could be considered to be more aligned to C33 Jack O’Tell footpath level crossing than Chittering.
- 3.7. Where we were looking at a potential closure which would require users to divert to another crossing point of the railway (grade separated or otherwise), we also looked at potential routes for them to take to get to that other crossing point. At this point, we looked at the existing public right of way or highway network to see if existing routes could be used to access the alternative crossing point, and we also considered if and if so where, new routes could be provided to ensure a suitable diversionary route. At that stage, it was our aspiration to use Network Rail land, where possible, in order to reduce impacts on third parties. However, it became clear as the project progressed, that use of Network Rail land alone would often not provide an alternative which was acceptable to the highway authority or users of the existing right of way, and alternative alignments had to be looked at which involved greater use of third party land to provide the diversionary routes.

- 3.8. Complexity of the railway infrastructure was also considered in the assessment of level crossings. For instance level crossings close to stations are known to be complex, in terms of managing risk (for example, due to variation of speeds of trains passing over the level crossing as a result of stopping and non-stopping trains) and, if technology needs to be installed to mitigate risk at such level crossings this can be both expensive to install and resource intensive to maintain. The more technology and/or infrastructure which is added to the operational railway, the more layers of complexity this adds to the railway – not least as it adds in greater opportunity for failure, and then adds further complexity in terms of ascertaining the source of a failure, and rectifying the issue. We therefore did not consider any passive crossings close to stations as potential diversionary routes, and indeed looked at passive level crossings located closed to stations as potential candidates for rationalisation as part of this phase of the strategy.
- 3.9. This initial desktop exercise led to around 217 sites being identified on Anglia Route that were considered as suitable for diversions or other action (including crossing points in Norfolk and Suffolk). At that stage (April 2015), we met with all the highway authorities for the affected areas to discuss, generally, interfaces between public rights of way or highways and the railway, and to catch up on rights of way interfaces with the railway and to introduce them to the project - including our proposal to proceed by way of TWAO. At these meetings we:
- i. explained why we felt that the proposed crossing reductions, and the types of crossing identified, were a suitable way of moving forward with a rationalisation of Public Rights of Way (PRoW) / railway interfaces;
 - ii. provided copies of the Route Requirements Document (a copy of the RRD for Cambridgeshire can be found at Appendix NR30/2 tab 1) so that they could see the sites we had identified and our proposals at that site;
 - iii. provided a list of all level crossings in that highway authorities area, with the name it was known by Network Rail, and what we believed that status of the level crossing to be (public footpath etc.);
 - iv. asked for general comments on what we were proposing, including any specification they would require diversions to be built to, (for example, surfacing). We asked them for any comments about the project to be returned to Network Rail by the end of May 2015 so that we could include them into the scope of works for the contract we proposed to enter into with the successful tender in respect of the feasibility appraisal work to be carried out on our proposals (discussed at 3.14 – 3.24 below);
 - v. set out our proposed timescales for the project with indicative dates for public consultation (etc.); and

- vi. set out that we, or our appointed contractor, would contact them again once the contractor was appointed, and that there would be further discussions with the highway authority regarding the proposals (these meeting happened in September / October 2015).
- 3.10. At these initial meetings for the project the highway authorities seemed generally keen to listen to Network Rail to understand why we were proposing to proceed by way of TWAO (as opposed to individual applications under the Highway Act), but we did not receive comments on our proposals until the further meetings in September. We made clear that we were always contactable and would be happy to receive input at any time.
- 3.11. Following a competitive tender process, in June 2015 Mott MacDonald was appointed as our contractor to undertake a 'sense check' of the initial proposals that Network Rail had identified. This was the GRIP1 stage of the project (June 2015 – January 2016).
- 3.12. As a highway engineering consultant Mott MacDonald was appointed to undertake assessments of:
- i. ecological Constraints that would impact the proposals, covering the following areas:
 - a. flood risk within 500m of the level crossing (this was considered large enough to include any proposed diversions route);
 - b. agricultural land classification around the level crossing such that the effect of any proposal could be understood;
 - c. watercourses within 10m the level crossing or any proposed diversionary route;
 - d. active / historical landfill sites within 500m of the level crossing (this was considered large enough to include any proposed diversions route);
 - e. designated statutory sites of nature (such as SSSIs);
 - f. historic and cultural features (such as listed buildings);
 - g. nearby receptors (such as schools, residential, commercial);
 - h. ancient woodland, hedgerows.

- ii. Buildability of the proposals (for example, was the proposed diversion in an area likely to be affected by flooding, would the gradients of the proposed diversion be acceptable (by acceptable, this was taken to be no worse than currently experienced by the existing routes to the level crossing);
 - iii. The extent to which the proposals were compliant with Network Rail's obligations under the Equality Act 2010;
 - iv. Amenity of the proposed diversions; and
 - v. Stage 1 Road Safety Audits (RSAs) where diversionary routes took users to roads.
- 3.13. Mott MacDonald was also asked to obtain land details from the Land Registry so that landowner consultation could begin.
- 3.14. Mott MacDonald initially focused on diversionary routes provided by Network Rail; however during their site visits (in September 2015) they noted other routes that might be more suitable, and, in respect of a few proposals, identified where the Network Rail proposals were not, in their view, viable options.
- 3.15. Following the site visits, Mott MacDonald provided details of the assessments they had undertaken back to Network Rail to enable further discussion on the suitability of the proposals and any changes if required. There were workshops held between Network Rail and Mott MacDonald where it was decided what should be proposed to the highway authorities in October 2015.
- 3.16. Mott MacDonald was also asked to undertake some stakeholder consultation. Mott MacDonald undertook consultation, with the following stakeholders:
- i. Highway authorities (for the areas affected by the proposals);
 - ii. Statutory consultees;
 - a. Environment Agency;
 - b. Natural England;
 - c. Historic England;
 - d. Highways England.
 - iii. Local user groups;
 - a. Auto Cycle Union;
 - b. British Driving Society;
 - c. British Horse Society;
 - d. Byways and Bridleways Trust;
 - e. Cyclist Touring Club;
 - f. Open Spaces Society;

g. The Ramblers.

iv. A prioritised list of potentially affected land owners.

- 3.17. Further meetings were held with the highway authorities (attended by both Mott MacDonald and Network Rail) in October 2015 where the results of the Mott MacDonald site visits were discussed along with other details of the proposals and any proposed changes / alterations. These meetings were lengthy and detailed.
- 3.18. In those meetings, all the highway authorities asked for the diversionary routes to be as direct (for the user) as possible. The diversionary routes we had originally considered - 'there and back' routes along the railway boundary and within railway land - were generally not considered by the highway authorities to offer sufficient amenity to users, and were considered to be too long in terms of distance. The highway authorities asked the project to 'round the corners off' the proposed diversions, such that they were more aligned with the 'desire lines' of the users, so that the diversionary route would feel more natural to the user.
- 3.19. By the end of January 2016 Mott MacDonald provided further advice to Network Rail in respect of each level crossing, covering all the matters that they had assessed, including ecological impacts, safety, amenity of the proposed diversionary route, DIA compliance, records of incidents at the level crossings, and indicative costs. Mott MacDonald also made recommendations as to whether they considered individual level crossing proposals should be taken further forward by the project; this advice was taken into consideration by Network Rail when undertaking its review at the end of GRIP1. Mott MacDonald also identified whether they considered the proposed alternative route for each crossing was acceptable or whether they thought there was a better route and if so, reasons for that and why they thought it would be better than that which Network Rail had proposed.
- 3.20. At the end of the GRIP1 process (February 2016), those recommendations and indicative costs were considered by the Network Rail project team and the scheme Sponsor. At that point a decision was taken that there was not sufficient funding to take all of the proposals forward, and it could not be assumed that any further funding would be available within Control Period 6 (CP6), as the proposed CP6 funding plan had not been drafted at that time. A decision was made and the proposals for the whole of the Norfolk network and the Suffolk branch lines were paused: that is, the decision taken that they would not be taken forward as part of the current project, but that Network Rail would look to take those proposals forward at a later date once funding was available. The Network Rail project team also accepted some – but not all – of the recommendations made by Mott MacDonald. In some cases we were able to identify further alternatives warranting consideration, which we asked them to appraise at the next stage of works.

- 3.21. In March 2016 each of the highway authorities was issued with a 'County Report'; a document prepared by Mott MacDonald which detailed the current position in respect of the crossings being considered for inclusion within the project in that authority's area. A copy of the report for Cambridgeshire can be found in appendix NR 30/2 tab 2¹.
- 3.22. Following a competitive tender process, in March 2016 Network Rail awarded the GRIP2-4² contract to Mott MacDonald.
- 3.23. Mott MacDonald were contracted to undertake the following works:
- i. GRIP 1 development for new diversionary routes identified by Mott MacDonald / Network Rail for crossings where the initial proposals had been identified as not viable;
 - ii. GRIP 1 development for some additional level crossings that had been identified as potentially suitable for inclusion within the project after the initial desktop exercise;
 - iii. Undertake phase 1 habitat surveys at all still under active consideration by the project;
 - iv. Undertake usage censuses at all level crossings being considered for inclusion within the project;
 - v. Produce consultation materials;
 - vi. Undertake 2 rounds of informal public consultation on the proposals;

¹ I have included the report as issued to the highway authorities in March 2016. These are marked 'Not for public issue'. At the time those reports were prepared, Network Rail had not been able to discuss the proposals with all landowners potentially affected, and therefore whilst wishing to keep the highway authority informed as to the current position, wished to avoid a situation where the first which affected landowners might hear of the proposals was through publication of the 'County Report' or its contents otherwise being made more widely available.

² Network Rail uses a management tool called GRIP to manage its projects. GRIP was applied to this project, although the GRIP stages were slightly altered to suit this project. The GRIP stages applied to this project are as follows;

GRIP1 – Development / Feasibility

GRIP2 – Informal public consultation

GRIP3 – Drafting the TWA documentation and deposition of the order

GRIP4 – Public Inquiry

GRIP5 – Detailed Design

GRIP6 – Construction

GRIP7 – Handover to highway authorities

GRIP8 – Project close out

- vii. Analysis of consultation responses to be fed back to Network Rail with recommendations;
- viii. Undertake 2 rounds of informal private consultation with MPs, Councillors, and Parish Councils;
- ix. Continue to consult with the highway authorities;
- x. Undertake further RSAs as required by the proposals;
- xi. Continue with the land owner consultation;
- xii. Undertake additional land referencing; and
- xiii. Produce TWAO documentation.

3.24. The habitat surveys (detailed in 3.23(iii) above) were the next step for consideration of the potential ecological impact of the project, and also provided an opportunity for further assessment of the proposed diversionary routes. Previously, the environment assessments had been conducted as either desktop exercise or from publicly accessible land. At this stage of the project, the ecologists were able to walk the proposed diversionary routes on private land, the landowners permitting access for the assessment to be undertaken.

3.25. This access was often granted at short notice and unfortunately it was not possible for officers of the relevant highway authority to attend, although they were invited to do so.

3.26. Network Rail attended a Local Access Forum (LAF) meeting in May 2016 where we presented an overview of the project to the attendees. The routes of the diversions were not shared at that time, as not all landowners had been consulted, but the principle of what we wanted to do was communicated, and appeared to be well received by the forum.

3.27. At the beginning of June 2016, 9 day censuses were undertaken at all the public level crossings to understand the usage of the level crossings. This would help to inform the requirements of any diversionary route.

3.28. In June 2016 Mott MacDonald (aided by Network Rail) held a number of informal public consultation events across the area affected by the proposals (as they then stood) which are the subject of this Proposed Order. In identifying locations for the events, we looked to hold an event no further than 10 miles from any of the level crossing being affected. That said, the staff in attendance knew the project and were capable of fielding questions on any of the level crossings in the project. These events were held at the following locations:

- i. March – Tuesday 7th June 2016;

- ii. Littleport – Wednesday 8th June 2016; and
- iii. Cambridge – Friday 10th June 2016.

3.29. For further details on these events including which level crossings were discussed at which events, the opening times of the events, and attendance details see Appendix NR30/2 tab 3. To inform the public of these events being held, notices were produced for each level crossing detailing when and where the events would be held. These were placed at the level crossings at least 7 days before the events. There were also leaflet drops to properties in the areas local to the level crossings, this was up to 1.5 miles from the level crossing depending on the density of residences. There were also advertisements placed in local papers advertising the events. At each informal public consultation event there were details of the level crossing proposals that were broadly within 10 miles of the event. I was in attendance at all of the events and for the full duration of the opening times.

3.30. At the events there were some generic project information banners explaining the approach Network Rail had taken and what the time lines were. There was also a large map showing where the level crossings were.

3.31. There was also someone in attendance at each event who could answer questions on:

- i. ecology;
- ii. engineering;
- iii. land use / rights over land;
- iv. usage of the level crossing;
- v. timings of things and what the next process is;
- vi. why there was a need to alter the current position; and
- vii. why Network Rail had taken the approach proposed.

3.32. Attendees could look at any level crossing in detail and there were plans on tables for discussion as well as paper copies people could take away and comment on / consider in their own time. These plans were also available on the Network Rail web page from the morning of the public event. Appendix NR30/2 tab 4 contains a sample of the information provided.

3.33. There was a private hour at the beginning of every event where we invited MPs, Councillors, and Parish Councillors to attend. The intention of this was to allow them to be briefed as required on the proposals and allow them to ask us any question they might have; as elected representatives for the areas affected by the proposals, we thought it important to offer them the opportunity to meet with us immediately ahead of the public consultation, so they had sufficient information if contacted about the proposals by their local community.

- 3.34. At the events we asked for feedback on both the event and the proposals. This could be done by filling in a questionnaire at the event, or online or by post. We asked people for their thoughts on the proposals; for example, whether they thought the proposed alternative was suitable. We also asked for any suggestions they might have as to how the proposal could be improved – for example, if they thought there was a better diversionary route which could be used - so that we could consider these during the development of our proposals. A copy of the questionnaire can be found at Appendix NR30/2 tab 4.
- 3.35. In some cases, we had identified more than one possible diversionary route, but had not decided which route was our preferred option, each option having its own merits. In respect of those crossing, we asked members of the public which they thought was the better route.
- 3.36. Some additional road traffic counts were undertaken following questions / feedback received at the round 1 informal public consultation and from the highway authority. The output of these traffic counts was used in workshops held between Mott MacDonald and Network Rail to further understand the nature of the roads that diverted users from the level crossings would need to interface with.
- 3.37. Following the informal public consultations there were further workshops held in August 2016 between Mott MacDonald and Network Rail to consider the feedback received, and discuss what changes (if any) were to be considered. All the feedback we received was taken into account in our decision making process before the second round of public consultations. Where there were constructive comments that we could work with we did and tried to resolve the issues to improve the alternative offered. Without this input we would not have overcome some of the problems we faced.
- 3.38. Land owner comments were also discussed at these meetings, although we were mindful of the suggestions to place a route on the other side of a fence / hedge line where this involved another party's land as this would simply move the problem not solve it. Land owners were keen to tell us how the land potentially affected by our proposals was used and how impacts on their land could be reduced or mitigated, for example, by removing cross-field paths, or removing paths from farmyards. Where possible, and where alterations were appropriate to the proposals, we have tried to work with land owners to try and ease the burden of the rights of way network on them, although in doing so we have had to balance this with the needs of the future users of the right of way.
- 3.39. Further meetings were held with the highway authorities during August 2016. It was at these meetings that it became clear that Cambridgeshire County Council was not going to change its position on potential extinguishments, and that they were not prepared to accept extinguishment of public rights of way without a diversionary route being provided,

an example of this was C09 Second Drove. We therefore needed to explore what would be necessary to meet the concerns they had identified.

- 3.40. In respect of proposals where Network Rail had been proposing an extinguishment of the existing PRow without providing a new diversionary route, Cambridgeshire County Council made clear that they did not agree with that approach, and that they considered a circular route, or other route ensuring connectivity of the PRow network, should be provided.
- 3.41. In light of that advice, Mott MacDonald and Network Rail revisited the sites where an extinguishment had previously been proposed, and at the second round of informal consultations presented a diversionary route / circular route.
- 3.42. The second round of informal public consultations was held in September 2016. The format was the same as the previous ones, except by this stage we had identified our preferred option for each crossing and there were no sites where we were asking the public to choose between potential diversionary routes. Notices informing users of these events were posted at the level crossings and in papers as with the round 1 event. There was also a denser leaflet drop than in round 1 to properties in the areas local to the level crossings as we had received complaints that some people had not received details of the first consultation (only attending through word of mouth information): this was up to 1.5 miles from the level crossing depending on the density of residences. The information provided at the events was more detailed than previously provided, and included details about the level crossing (numbers of trains per day, specific site risks and the ALCRM risk score). We also discussed the extinguishments which were being proposed - shown in blue on the consultation plans. The material available at the consultation events detailed what Network Rail's preferred option was, including what the length of the diversion would be. There was also a questionnaire available, which had been adapted to cater for representation from users groups, something that we had received feedback on in the previous round 1 public consultation. A sample of the round 2 consultation material, and questionnaire, can be found in Appendix NR30/2 tab 5.
- 3.43. In general terms, we looked to hold the events no further than 10 miles from the level crossings being affected (as with round 1, we had identified specific level crossing closures to be discussed at each event, although the staff in attendance knew the project and were capable of fielding questions on any of the level crossings in the project). The round 2 consultation events were held at the following locations:
- i. March – Wednesday 7th September 2016;
 - ii. Cambridge – Thursday 8th September 2016; and
 - iii. Littleport – Monday 12th September 2016.
- 3.44. Further details on these events including which level crossings were discussed at which events, the opening times of the events, and attendance details can be found at Appendix

NR30/2, tab 3. As with round 1, I attended most of these events and played an active role in the consultation.

- 3.45. We held 2 rounds of informal public consultation not just to keep the communities informed of what we were proposing, but also because we thought it was important to make clear that we had been listening to the information and feedback we had received, and that it had informed our development of the project. In some instances, the responses we received through the consultation process resulted in level crossings being removed from the project, as we were not satisfied that we had identified a suitable alternative. In other situations we altered our proposals to match the needs of the users, for example C09 Second Drove.
- 3.46. Following the informal public consultations further workshops were held between Mott MacDonald and Network Rail to understand the feedback received through the consultation process, and what changes to our proposals (if any) needed to be considered. These meetings were held in October 2016. The output from these meetings provided the details for the Order Limit Plans and the Draft Order.
- 3.47. We were also invited to attend a further LAF meeting in November 2016, providing feedback to the meeting the results from the June consultation and giving a general project update. This was well received and generated some discussion at the meeting.
- 3.48. We then had a further meeting with the highway authorities to discuss the information received through the consultations and what we were looking to include in the Draft Order. We also discussed the next stages of the process.
- 3.49. It is important to emphasise that throughout the development of the project we have constantly reviewed the level crossings proposed for inclusion within the Draft Order. These reviews were undertaken at the end of GRIP1; following each of the informal public consultations; prior to the orders being deposited; and when key items of new information have become available, such as the use of third party land to obtain access (for example, Munceys which was removed from the Draft Order post deposit). It has never been Network Rail's position that it would not alter its proposals or remove a level crossing from the Draft Order if it became apparent that that was the right course of action as a better alternative had been identified, or it became apparent that the diversionary route proposed was not satisfactory.
- 3.50. For example, during the development of the project, it became apparent that not all the structures that we had identified could be used as part of a diversionary route were suitable for that purpose (for example, because of physical features, such as the extent of headroom provided, or because substantial alterations would be required to the

structure), and in these instances that particular level crossing was removed from the project and deferred to a later phase for further assessment.

- 3.51. In some instances it became apparent, through consultation, that the proposed alternative was not suitable and that there were genuine reasons why the crossing point of the railway needed to remain at (or very close to) its current location. In these cases the level crossing was removed from the project and again deferred to a later phase for further assessment (an example of this was C23 Adelaide, which was taken out after the round 1 informal consultations following a significant case put forward by Cambridgeshire County Council and its elected members).
- 3.52. During December 2016 it became apparent to Network Rail that there would need to be further engagement on a number of our proposals, following some feedback we had received from the second consultation. This engagement exercise took the form of seeking to inform affected landowners by letters and the public by posting notices at the affected level crossings rather than the consultation events which had been held during June and September 2016. It was considered that the changes were of a minor nature, and as such that it would not be proportionate to engage on a third round of consultation events, mirroring those previously undertaken, and that the key thing was that the public were informed of the changes.
- 3.53. There was also a public consultation specifically for C06 Barrington Road. This event was held at Foxton Village Hall on 14th December 2016. I was in attendance at this meeting and played an active role in the consultation.
- 3.54. Some of these changes were driven by an effort to address highway authority objections which had not previously been raised (for example, in respect of C11 Furlong Drove). The highway authority also provided further information to support their objections to specific proposals. In some instances Network Rail agreed, on reviewing the proposals, that what had been proposing was not suitable and / or adequate, and in those cases the level crossing was removed from the project / Order as Network Rail felt that it was not able to offer a suitable alternative. An example of this was C18 Munceys.
- 3.55. I acknowledge that it was unfortunate that these changes had not been made in time for the September round of informal consultations, not least as it also meant that the changes affected additional land owners who had previously been unaffected by the project and not contacted before. However, as will be seen from the above, these changes resulted from our meeting with, and advice received from, the Cambridgeshire highway authority in September 2016, we sought to overcome the problems caused by the lateness of the changes by the further round of engagement which I have referred to at para 3.52 above. Jonathan Smith also discusses in his Proof of Evidence the steps which were taken to engage with affected landowners prior to the application and Draft Order being deposited.

- 3.56. Mott MacDonald and Network Rail then held a series of meetings to finalise the Draft Order Plans.
- 3.57. Bruton Knowles were contracted in November 2016 to undertake the land referencing necessary to support the Draft Order on behalf of Network Rail. Jonathan Smith sets out in his Proof of Evidence the steps which Bruton Knowles have taken to engage with affected landowners (or those holding an interest in land) since their appointment.
- 3.58. Network Rail has sought to use all information available to it throughout the development of the project – including, importantly, that received from our engagement with the highway authorities, landowners and members of the public – to make informed decisions as to whether each proposal should be pursued, through inclusion in the Draft Order.

4. WORKS TO BE UNDERTAKEN IF THE DRAFT ORDER IS APPROVED

- 4.1. I understand that some concerns have been raised as to the nature and extent of the works which would need to be undertaken to implement the Order if approved. These works can be broken down into a number of categories. I list these below and describe what the works to be undertaken would broadly consist of.

Temporary Access

- 4.2. Access will be required to undertake the changes required by this Order – in particular, creation of new PRow, removal of existing level crossing infrastructure, and erection of additional security fencing. Some access will be undertaken via the railway corridor, but some will be over third party land, as shown on the Order Limit Plans. The access taken over third party land will be limited to those activities detailed in the Order. I set out below what, in broad terms, those activities are likely to entail.
- 4.3. In general, it is likely that the actual time required on the land will be short: that is to say days, rather than months. The types of vehicles are unlikely to be anything larger than a transit sized flatbed truck, which would most likely be used for delivery of materials and removal of any materials from site. It is not perceived that there would be any need to provide any specific haul road surface, and access is intended to be planned such that the land can tolerate the vehicles intended to be used without such treatment. The numbers of vehicles on any site is not likely to exceed 2 large vehicles and 2 smaller ones (car sized vans) – although could be less, depending on what exactly is being undertaken.
- 4.4. Numbers of staff have not been worked up in detail but based on the types of work being undertaken it is not envisaged that the team would generally need to be greater than 10 staff on site.

- 4.5. The only exception to this is where we need to create a structure over a water course or ditch. In these instances due to the construction activities required to create the new structure, there may need to be larger vehicles on site, especially if piled foundations are required or when lifting activities are being undertaken. At these sites detail is still being worked up as part of the detailed design of the bridges and will not be known until the design has been finished.

Vegetation Clearance

- 4.6. Almost all of the proposals contained within the Order will require some vegetation clearance to be undertaken in order to be able to create the new PRow on the alignment shown on the Order Limit Plans, or to allow the railway boundary fencing to be erected to secure the railway from trespass. This vegetation clearance would be mostly undertaken with hand operated tools, although it may be possible to use mechanised clearance equipment in some instances, where access allows. It is not intended that trees would be removed by the project; however it may be necessary to remove low hanging boughs, these are likely to be chipped. Before any clearance is undertaken there will be a further ecology survey to ensure that no protected species would be affected.

PRow Construction

- 4.7. The vast majority of the PRows being created by this project are unsurfaced. These unsurfaced PRows would generally have a finished surface of grass, however in order to create the path there would potentially need to be some levelling of the ground, this would be done either by hand if very localised or with the use of powered machinery. As the PRows are generally 2m wide for footpaths and 3m wide for bridleways, the machines used would generally be no wider than that of the PRow they are creating. Any materials required to firm up the ground or to be provided as surface treatment (tarmac plainings) would be brought to the site where it is required by similar sized machines.
- 4.8. The majority of fencing being provided by the project is to secure the railway boundary from trespass. For the most part this fencing is to be 1.8m high chain link fencing. Where fencing is required, there would be some vegetation clearance to ascertain the ground levels, and other features to be accounted for by the fencing. There may be some localised levelling of the ground, such that the fence is effective to ground level.
- 4.9. The fence would be erected from whichever side is easier (railway / third party), except where the third party land is of a sensitive nature (for example, a garden). In this instance every effort would be made to erect the fence from the railway side of the boundary.

Fencing

- 4.10. There are 2 distinct groups of fencing required by the project: one is the fencing required as part of the diversionary route, and the other is the fencing required to secure the site of the level crossing. The diversionary route fencing will be erected at the same time as the creation of the diversionary route, such that it is effective for when the new route is opened. The level crossing on the other hand cannot be closed until the highway authority (for that level crossing) has confirmed that the new diversionary route has been constructed to their reasonable satisfaction. Only then can the level crossing be fenced over; this means that there would possibly be 2 occasions when fencing activities are being undertaken for one level crossing, which would result in 2 occasions when access is required.

Temporary PRow Closures

- 4.11. Where there is an interface between the new diversion PRow with another existing PRow there may be a need to put in place a temporary traffic restriction order (TTRO), closing the PRow whilst works are undertaken to 'join' the new PRow to the existing PRow. This would be likely to be in the region of 1 day. The need for this closure is to ensure the public are safe from any construction works / vehicles. In some instances it will be necessary to close the existing PRow whilst the new diversion is being created, as construction of the new PRow would affect the existing PRow. An example of this is E31 Brickyard Farm, where the movement of the fencing would reduce the sighting from the level crossing to a point where there would be insufficient warning of approaching trains. The existing PRow would therefore need to be closed, in the interest of public safety.

Temporary Road Closures.

- 4.12. Some of the proposals require works to be undertaken close to public roads, and in these instances it will be necessary to undertake a form of road closure. These are likely to be a lane closure where single file traffic is imposed for the duration of the works. It is not proposed that any road will need to be closed in totality to enable construction work, so it should always be possible to enable traffic to flow along such roads.

Removal of Level Crossing

- 4.13. The level crossing deck (if fitted) will be removed from between the rails during a possession of the railway, however it is not always possible to obtain a possession long enough to enable its removal from site. In these instances the deck would be placed where it can be removed via the third party land identified in the Order Limit Plans as required for temporary access. There may be other level crossing elements to be removed such as steps, hand rails, and signage. These would be the last materials to be removed from site as the level crossing cannot be closed until the new PRow is accepted by the highway authority, as discussed above. These materials are of a size and nature that a flatbed truck

with lifting equipment would be used to remove them from site. The numbers of staff required for this is not expected to exceed 10.

Maintenance of PRow

- 4.14. Network Rail is responsible for the maintenance of the new PRowS for the first 12 months after they have been accepted by the highway authority as having been completed to their reasonable satisfaction. Network Rail is planning to use the PRow as the means of access to maintain the new PRowS, however temporary access rights are provided for in the Order (as detailed on the Order Limit Plans) in the event that more substantial works need to be undertaken, which could not be undertaken solely from the PRow itself.

CROSSING DETAIL

I shall be discussing the proposals at each of the level crossings included in the order by reference to the Design Freeze Plan which can be found at Appendix F of NR26.

5. C01 Chittering

- 5.1. Chittering footpath level crossing provides a crossing point of the railway for footpath 18. Footpath 18 provides a broadly east - west link between footpaths 16 and 17. Footpath 18 forms a parallel right of way to footpath 16.
- 5.2. Our proposal is to create a new footpath on the western side of the railway between the current level crossing at Chittering and where footpath 16 runs adjacent to the railway. The section of footpath 18 on the eastern side of the railway would be extinguished from the existing level crossing to the point where it joins footpath 16.
- 5.3. Users travelling in an easterly direction would, on arriving at the railway boundary, head north on the new footpath until they reach footpath 16. They would then use the existing footpath 16 to continue north until they reached C33 Jack O'Tell level crossing. At this point they would cross the railway and then head south (still on footpath 16) until they reached the point where footpath 16 turns in a southeasterly direction. From this point they would continue as if they had not been diverted.
- 5.4. There is a large (6,500) new housing development being proposed to the south west of Chittering footpath level crossing. The change of use of the land from agricultural / military (Waterbeach Barracks) to residential may have an impact on the level crossing, such as increased use by the public gaining access to the River Cam to the east. See appendix NR30/2 Tab 6 for plans of the development including an extract from the Local Plan that shows development right up to the railway boundary.
- 5.5. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.

6. C02 Nairns (No 117)

- 6.1. Nairns private vehicular level crossing provides east – west agricultural access between the farmstead on the west of the railway and cultivated fields on the east of the railway. There are no public rights over this level crossing.
- 6.2. Having considered the objections of FC Palmer & Sons and their subsidiaries (together with other third party objections), Network Rail has concluded that it should not close both of Nairns and Jack O'Tell crossings, and that one of those crossings should remain open to vehicular traffic relating to FC Palmer & Sons' farming operations.
- 6.3. The decision about which of Nairns or Jack O'Tell should remain open depends on the provision of appropriate means of access between the crossing in question and the remainder of the farm holding. In both cases, land which is currently farmed by FC Palmer & Sons/its subsidiaries can be used for such means of access. However, some of that land is farmed under contract or pursuant to a farm business tenancy, and in each instance the freeholder's agreement would be required to create permanent rights of access over the land for the benefit of FC Palmer & Sons. Negotiations are underway with the relevant freeholders, but until those negotiations are concluded, it is not possible to determine which of the crossings should remain open.
- 6.4. Because at least one of the crossings is to be closed but it is not yet clear which one will be closed, Network Rail continues to seek the powers in the Order to close both of the crossings. However, it undertakes as follows:
 - 6.4.1. Network Rail will not exercise the powers in the Order to close both of Nairns and Jack O'Tell;
 - 6.4.2. Network Rail will not exercise the powers in the Order in respect of either Nairns or Jack O'Tell until a permanent means of access from the crossing which is to remain open to the remainder of FC Palmer's landholding has been secured;
 - 6.4.3. If permanent rights to use the existing means of access between Nairns and the farmed land to the east of the railway can be secured by agreement, the powers in the Order will not be exercised so as to close Nairns to farm traffic and the crossing will be upgraded through the provision of miniature stop lights. The telephone system will be maintained. Network Rail will continue to review level crossing risk and whether further enhancements are required;
 - 6.4.4. If the rights referred to in 6.4.3 above cannot be secured by agreement, but a new means of access from Jack O'Tell northwards along the eastern side of the railway can be, the powers in the Order will not be exercised so as to close Jack O'Tell to farm traffic and the crossing will be upgraded through the provision of miniature stop lights and the installation of a telephone system. Network Rail will continue to review level crossing risk and whether further enhancements are required.
- 6.5. Network Rail considers that this is a reasonable and proportionate response to the objections, which continues to serve the Order's purposes but which reduces the impact on FC Palmer and Sons' farming operations. The undertakings above also address the concerns of other objectors in respect of increased farm traffic on the local highway network.

- 6.6. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal as long as the agricultural traffic does not need to use the A1123 or the A10.

7. C03 West River Bridge

- 7.1. West River Bridge level crossing provides a crossing point of the railway for footpath 7. Footpath 7 is a river bank footpath that follows, at this point, the south bank of the River Great Ouse.
- 7.2. Our proposal is to divert users to the north and utilise a dry arch of the nearby railway bridge. Footpath 7 would be extinguished from the points either side of the level crossing where it meets the new footpath under the bridge.
- 7.3. Users travelling in an easterly direction along footpath 7 would veer left as they approached the railway and descend down a shallow slope to the bridge arch. On passing under the railway they would rise up a slope to the existing footpath where they would continue as if they had not been diverted. There is evidence that users are using this route already.
- 7.4. There is a signal close to the level crossing, which while it is unlikely that a train will stand over the level crossing if it was to stop at the signal, it would obscure the sighting of trains on the other line.



- 7.5. Cambridgeshire County Council has been concerned about the potential risk of the new PRoW flooding. PRoWs are legally required be kept free from obstructions, however, this does not extend to a natural obstruction such as a flood. If the path becomes blocked by a natural obstruction (e.g. during a time of flood) then the user does not have the right to deviate around the natural obstruction and is advised to retrace their steps. The Environment Agency (EA) note that PRoWs are classed as 'Water Compatible' and are therefore acceptable within Flood Zone 3b – the functional floodplain.
- 7.6. We understand that the highway authority, Cambridgeshire County Council, has provided a holding objection (Obj12) to this proposal, pending further flood data.

8. C04 No Name No 20

- 8.1. No.20 footpath level crossing is a crossing point over the railway for footpath 10. Footpath 10 provides a south easterly link from Chiswick End to Valley Farm.
- 8.2. Our proposal here is to use Station Road railway bridge as the means of crossing the railway. To do this on the north side of the railway, we propose to create a new footpath

from footpath 10 at the corner of the woodland to Station Road. We also propose to provide some field edge walking along Station Road on the south side of the railway (as there is no pavement along Station Road). The cross field section of footpath 10 on the north side of the railway and all of footpath 10 on the south would be extinguished.

- 8.3. Users travelling in a south-easterly direction from Chiswick End on reaching the (existing) cross field section of footpath 10 would turn left onto a new footpath and head in a north-easterly direction to meet Station Road. Once on Station Road users would turn right and travel south along the pavement, over the railway and staying on the pavement until it stops. At this point there would be a new footpath that runs adjacent to Station Road, but in the field boundary. At the end of the field users would find themselves at the end of the existing footpath 10 and continue as if they had not been diverted.
- 8.4. We understand that the highway authority, Cambridgeshire County Council, is objecting to this proposal. The Road Safety Audit of Station Road did not identify any issues, and no accidents involving pedestrians are shown on the CCC mapping system. We have worked with the authority to minimize the additional distance on the diversionary route and have provided field-edge walking to remove the need to cross Station Road twice, which we believe will encourage walking in the area, and create better connectivity from Meldreth to the south. We calculate the maximum additional distance for current users of footpath 10 as 314m, which compares favourably with the likely length of ramps if ever a footbridge were to be built to replace the level crossing.
- 8.5. In terms of circular walks, a circuit from Meldreth via Chiswick End, footpath 10 and Station Road is currently 1.7km. With the proposed diversion, this will reduce to 1.3km.
- 8.6. Objection 49 is with regards to Mr Burlton and his poultry farm. Network Rail initially looked at a route using Mr Burlton's existing private track, but this was discounted for safety reasons following consultation. Also, that route was unacceptable to the highway authority on the grounds that it lacked amenity value and added considerably to the length of the diversion. The route proposed under the draft Order would take the user directly between footpath 10 and Station Road. During a meeting in February, Mr Burlton proposed a route that would take users along the eastern side of the field with steps up to Station Road. This was not taken forward as it would have required steps up to the road which was known to be unacceptable to the highway authority. Mr Burlton also queried the need for a new footpath on his land to the south of the railway adjacent to Station Road due to the existence of an existing pavement on the opposite side of the road. During development of our proposal for a diversionary route, Network Rail commissioned an independent RSA which identified an existing issue at this location where pedestrians currently have to cross the road on a bend to continue on the existing footpath. To address this, our final proposal includes the new 2m wide footpath in the field margin, so that pedestrians that wish to continue on the road will not need to cross the road at the bend or again further south to join the byway. We appreciate this increases the impact on Mr Burlton's land but it is necessary to provide a suitable and convenient diversionary route for existing users. Discussions with Mr Burlton's agent are ongoing.

- 8.7. Objection 02 was with regard to the entrance to the business units and the conflict with vehicles entering / leaving the site. There was a suggestion of moving the pedestrian entrance back from the vehicular entrance and providing steps. Network Rail is not looking to provide steps, but as the land is in Network Rail ownership, it is looking to provide some segregation.

9. C07 No Name No 37

- 9.1. No.37 footpath level crossing is a crossing point over the railway for footpath 4. Footpath 4 is a link from Harston (to the west) and Shelford Road (to the east). There is also a hogan path that runs from the point where footpath 4 meets Cambridge Road (B1368) to Newton (to the south).
- 9.2. Our proposal is to use London Road (B1368) bridge over the railway as the means of crossing the railway. To achieve this we would create a new footpath from footpath 4 to London Road. We would also create new footpaths in the field edges adjacent to London Road (as there is insufficient verge to walk along). We would also be extending the hogan path north along London Road to a point where it is not possible due to a reduction in verge width. We will also be creating a short section of pavement along London Road (where the diverted footpath 4 would meet London Road). This section of pavement provides continuity to the pavements along London Road and provides access to the new footpath (without having to walk in the road). The section of footpath 4 (north of the railway) from the point where it meets the woods to the point where it crosses the railway would be extinguished. Also the section of footpath 4 south of the railway would be extinguished from the railway to the point where it meets Cambridge Road.
- 9.3. Users travelling in an easterly direction from Harston along footpath 4 would reach a point where the footpath meets the corner of a wood. At this point users would turn left and head north along a field access track until they reach London Road. They could from this point turn left and use the new section of pavement to walk back into Harston (on a circular walk), or cross over London Road onto a new footpath running adjacent to London Road in the field edge. Travelling in a south easterly direction on the new footpath users would connect with Byway 6 (which links into Hauxton to the north). Continuing south users would come to a set of steps, which led up from the field to the road bridge over the railway. Users would cross the railway and the road and then use another set of steps to ascend into the field. Once at field level they would continue travelling south (first along a footpath in the field and then along the extended hogan path in the verge) until they meet the end of the existing footpath 4. From here they would carry on as though they had not been diverted.
- 9.4. This proposal changed through the consultation period as originally there was on road walking along London Road. This was changed to off road walking as a result further road safety consideration. There were also links added such as the tarmacked section of pavement back into Harston, the link into Byway 6 and the extension of the hogan path.
- 9.5. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.

10. C08 Ely North Junction

- 10.1. Ely North Junction is a footpath level crossing that provides a crossing point of the railway for footpath 11. Footpath 11 is a north-easterly footpath from Ely (to the south west) to the River Great Ouse and Queen Adelaide village.
- 10.2. There is a signal located to the south of this level crossing protecting the junction, which means that if a train was required to stop, the train would stand over the level crossing, obstructing the right of way.
- 10.3. Our proposal is to divert users to the north where they can use the active level crossing to cross the railway. To achieve this we would create a new footpath along the edge of the railway to Ely Road (B1382) in the north. Some of this new footpath would be in field boundary, and some on railway land. There would be short section of footpath 11 extinguished from where the new footpath starts on the west of the railway to a point on the east side of the railway. There will be a truncated section of footpath 11 left from Ely Road at the request of the highway authority.
- 10.4. Users travelling in a north-easterly direction from Ely would (on reaching the railway boundary) turn left and head north along the field boundary adjacent to the railway. As they progress north they would reach a point where the footpath moves from field edge to railway land. Continuing north they would reach Ely Road where they would turn right and cross the railway via the active level crossing. Travelling in an easterly direction they would continue until they reach another active level crossing. At this point they have reached the end of the existing footpath 11 and would carry on as if they had not been diverted.
- 10.5. This proposal changed as a result of a conflict between pedestrians and vehicles that could not be overcome. The decision was then made to route the diversion along Network Rail land, albeit with a reduced width footpath. This width restriction is no less than that currently experienced by users on the existing footpath, and unlike the existing footpath the restriction is only for a short section that runs adjacent to a residential house and garden. This is addressed in Susan Tilbrook's proof of evidence. Once beyond the house and garden the footpath returns to 2 metre width. The footpath can also be accessed from the non-restricted end with machinery for grass cutting etc.
- 10.6. There are signals in close proximity to the level crossing. If a train were required to stop at the signal it would mean that the train would sit across the level crossing or obstruct sighting of approaching trains. Currently trains are held further back from the junction, it is known that the Ely North Junction is a restriction on capacity, and it will be subject to alterations to improve capacity. This is likely to involve trains being brought nearer to the junction to await their passage through the junction, resulting in a higher likelihood of trains potentially blocking the level crossing.



- 10.7. We understand that the highway authority, Cambridgeshire County Council, is objecting to this proposal. We accept that the width of the diversionary route is below that which the authority would normally accept. However, we would observe that this is no worse than the existing provision on footpath 11, and the diverted route would entail 66m less of restricted-width footpath to maintain, a 23% reduction. The new route would, width notwithstanding, be provided to agreed standards.

11. C09 Second Drove

- 11.1. Second Drove is a footpath level crossing that provides a crossing point of the railway for footpath 49. Footpath 49 provides an east – west link from footpath 15 (in the east adjacent to the River Great Ouse) to bridleway 25 (in the west). The railway is elevated slightly and there are earth ramps leading up to the level crossing as it must have had vehicular rights once.
- 11.2. Our proposal is to create a new footpath on the east side of the railway from just to the east of Second Drove level crossing in the field adjacent to the existing footpath 49 (to remain on level ground, instead of raising up to go over the railway) and then on meeting the railway, heading north to another level crossing Clayway (150m to the north). The existing footpath 49 on the east side of the railway from the bottom of the ramps to the railway would be extinguished. On the west side of the railway all of footpath 49 would be extinguished from the railway to the point where it meets the bridleway. Clayway level crossing has 2 sets of rights passing over it, private vehicular and public bridleway. The level crossing would be re-configured to have separate vehicular gates and bridleway gates (including mounting / dismounting blocks).
- 11.3. This proposal changed as a result of the consultation process. At the round 1 consultation we were proposing to extinguish footpath 49 and closure of Adelaide level crossing (C23) as well. Following consultation with the highway authority and elected members a decision

was made to remove Adelaide level crossing from the project, not to extinguish all of footpath 49 and provide a link to Clayway level crossing.

- 11.4. There is a large residential development (North Ely Park) planned to the west & north west of Second Drove that plans to provide 3,000 homes. This development will have the potential to significantly increase the number of users over the level crossing. See appendix NR30/2 Tab 6.
- 11.5. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.

12. C10 Coffue Drove

- 12.1. Coffue Drove is a byway level crossing that provides a crossing point of the railway for byway 44. Byway 44 (Coffue Drove) starts at the eastern edge of Little Downham and after heading east for almost a kilometre it turns left and head north over the railway (after about 300m it turns into byway 41 (Littleport)) and almost reaches Black Bank, but turns into a footpath for the last 250m. The byway has a wider restricted right of access in so far as it is closed to public vehicles from 1st October – 30th April annually, which is signed at the ends of the byway. It is believed that this is to preserve the condition of the byway (65/44).
- 12.2. Our proposal is to divert users of the byway to the west slightly and utilise an existing underpass of the railway. This underpass does have a height restriction of 1.90m and width restriction of 2m, this would be a localised restriction on the byway. The existing route over the railway would be extinguished.
- 12.3. Users who were using byway 44 would divert from the current alignment and utilise the underpass. There is evidence on site that a large number of users do this today.
- 12.4. There is a signal in close proximity to the level crossing so that if a train were required to stop at the signal it would mean that the train would sit across the level crossing or obstruct sighting of approaching trains.



- 12.5. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.

13. C11 Furlong Drove

- 13.1. Furlong Drove is a bridleway level crossing that provides a crossing point of the railway for byway 33 (A Furlong Drove). Byway 33 is a broadly north south byway from Short Drove in the north (near Bridge Farm) to O Furlong Drove in the south (near Dunkirk).
- 13.2. As there are two parallel means of travelling from north to south, our proposal is to utilise these, the one to the east is Main Drove, and the one to the west is Furlong Drove. Our proposal is to upgrade a link footpath (footpath 8) to the bridleway, thus creating a link to Main Drove in the east. Also it is proposed to increase the traffic free element of Furlong Drove by creating a new bridleway section at the south end of Furlong Drove. This is to manage risks associated with the bends in the road (O Furlong Drove & Pymore Lane).
- 13.3. Users travelling in a southerly direction from the north (Bridge Farm area) have two options that they can take.
- 13.4. Option 1. Head south on the existing A Furlong Drove (which is a byway), until they reach the new bridleway on the left. Turning left and heading east along the new bridleway they will come to Main Drove (which is a road), turning right they would then head south along the road, crossing over the railway at Third Drove level crossing (which is an automatic half barrier). When they reach O Furlong Drove (which is a road) they would turn right and head west. Along O Furlong Drove they will come across the end of the existing byway 33, and continue as they had before being diverted.
- 13.5. Option 2. Head west along Short Drove and Straight Furlong (which are both roads), after a short distance on Straight Drove users would turn right onto Furlong Drove (byway 34). Users would follow this until they reached the end of the byway. At this point they would turn left onto a new bridleway. They would follow this bridleway east. After a short distance the bridleway turns to head south. At the end of the bridleway the user is on O Furlong Drove (which is a road), from here they would turn left and head east to the point where the existing byway 33 ends, and from here they would continue as if they had not been diverted.
- 13.6. The proposals at this level crossing changed during the project, originally extinguishment of the level crossing was proposed with no additional provisions, as it was considered by Network Rail that there were sufficient existing parallel routes that the public had access to. Following round 1 consultation the footpath (8) on the eastern side of Furlong Drove was proposed to be upgraded to bridleway to allow equestrians / cyclists to continue to use the northern section of Furlong Drove. This was shown at the round 2 consultation. The highway authority, whilst seeing this as an improvement, insisted that there was a road safety issue with the sharp bends on O Furlong Drove, and they needed to be mitigated with the provision of some form of off road route. Network Rail whilst wishing to work with the highway authority proposed a footpath that avoided the sharp bends and provided access to the byway to the north and the footpaths to the south. Despite this, the highway authority insisted on this new route being a bridleway, Network Rail amended their proposals in December 2016 to show the route as bridleway.

- 13.7. There is a signal in close proximity to the level crossing that if a train were required to stop at the signal it would mean that the train would sit across the level crossing or obstruct sighting of approaching trains. This would only be the case for freight trains.



- 13.8. We understand that the highway authority, Cambridgeshire County Council, is objecting to this proposal. Whilst recorded as a Byway Open to All Traffic (BOAT), this level crossing has not been available to full width vehicles since the 1930s, when the removal of vehicular rights at the crossing was, according to NR records, agreed with the local authority (although no record of this was found on CCC files). The census recorded only 4 users (excluding railway staff) over 9 days in June 2016, all of whom were adult pedestrians. No equestrians or motor vehicles were recorded, although the route is today usable with horses and motorbikes. We feel that the existing parallel roads in the area provide good connectivity for motorized users, with O Furlong Drove being similar in character. Our proposed new bridleway and re-designated bridleways will provide traffic-free routes for walkers and equestrians whilst minimizing impact to landowners.
- 13.9. Objection 16 Mr Taylor objects to the provision of a right of way on his land. He objects to the bridleway provision, including its location within his field rather than adjacent to it. The provision of the bridleway resulted from consultation with the public and highway authority. Their concerns were about the angle of the bend and on road use, which the highway authority considered gave rise to sighting limitations. This was discussed with the highway authority at workshops in August & October 2016.
- 13.10. Objection 19 Mr Martin objects to the provision of a right of way on his land in the same way as detailed in 13.9 above. Mr Martin also abstracts water to irrigate crops from a ditch adjacent to the right of way. Network Rail sees that there is no reason why the existence of the bridleway should obstruct his ability (or that of the landowner immediately adjacent to the watercourse) to abstract water for purposes of irrigation of adjacent land. In terms of maintenance of the ditch we note that the IDB has not objected to the proposal at this location. We have not worked up the detailed designs yet, but Network Rail is prepared to work with land owners so that they do not get unofficial access on their land or damage to their crops as a result of a new opening to the highway.

14. C12 Silt Drove

- 14.1. Silt Drove is a public road level crossing that provides a crossing point of the railway for Silt Road. Silt Road is broadly a north - south road that links the eastern end of Badgeney Road to the north (of the level crossing) with Upwell Road (B1099) to the south. Silt Drove level

crossing is seldom used by road vehicles as a through route, other than those attending the 4 farms to the north of Silt Drove level crossing.

- 14.2. Our proposal is to replace the existing pedestrian wicket gates with bridleway gates (including mounting / dismounting blocks) and to downgrade the public rights over the railway from public road to public bridleway. The vehicular gates would be locked and those users who have a genuine need to cross with vehicles (after making themselves known to Network Rail) would be granted authorised users rights to use the vehicular gates. The existing telephone would remain on site. Turning heads would also be provided for those who do not have authorised user rights to turn around in.
- 14.3. Equestrian, cyclists & pedestrian users of Westley Road level crossing would continue to use the level crossing as they do today, using the new bridleway gates. Vehicular users (if authorised by Network Rail) would use the vehicular gates as today. Other vehicular users would turn around using the turning heads and use the public road network to gain access to the other side of the railway.
- 14.4. There is a signal in close proximity to the level crossing so that if a train were required to stop at the signal it would mean that the train would sit across the level crossing or obstruct sighting of approaching trains. This would only be the case for freight trains.



- 14.5. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.

15. C13 Middle Drove

- 15.1. Middle Drove is a public road level crossing that provides a crossing place of the railway for Middle Road. Middle Road is a road that forms a loop to the west of March serving a number of farmsteads and residences. The majority of these use Whitemoor Drove active level crossing (to the east of Middle Drove) as their access.
- 15.2. Middle Drove is fitted with an active warning of approaching trains; this consists of a set of red / green lights and a telephone if the lights are not working. These provide sufficient warning for vehicles, unless they are 'Large and Slow moving vehicles' as stipulated on signage at the level crossing.
- 15.3. Our proposal is to replace the existing pedestrian wicket gates with bridleway gates (including mounting / dismounting blocks) and to downgrade the public rights over the railway from public road to public bridleway. The vehicular gates would be locked and those users who have a genuine need to cross with vehicles (after making themselves known to Network Rail) would be granted authorised users rights to use the vehicular

gates. The existing telephone and warning lights would remain on site. Turning heads would also be provided for those who do not have authorised user rights to turn around in.

- 15.4. Equestrian, cyclists & pedestrian users of Westley Road level crossing would continue to use the level crossing as they do today, they would use the new bridleway gates. Vehicular users (if authorised by Network Rail) would use the vehicular gates as today. Other vehicular users would turn around using the turning heads and use the public road network to gain access to the other side of the railway.
- 15.5. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.
- 15.6. Objection 3 from Mr & Mrs Robins, objects to the turning heads and raises concern about fly tipping. Cambridgeshire County Council have requested the turning heads, and Network Rail does not believe that the proposal would generate any fly tipping as the road is expected to receive the same levels of usage as today.

16. C14 Eastrea Cross Drove

- 16.1. Eastrea Cross Drove is a footpath level crossing that provides a crossing point of the railway for footpath 50. Footpath 50 forms a southwest – northeast footpath from Wype Road in the southwest (of the level crossing) to Oldeamere in the northeast.
- 16.2. Our proposal is to create a new footpath on the north side of the railway from the level crossing to Wype Road. There would also be some field edge walking along Wype Road to Byway 49 (Lake Drove), this is to add to the PRoW network connectivity. The existing footpath 50 from the point where the new footpath is created to the point where it meets Wype Road would be extinguished.
- 16.3. Users travelling in a south westerly direction from Oldeamere along footpath 50 would reach the railway boundary and then turn right heading west along a new footpath until they meet Wype Road. At this point they can turn left cross the railway via the active level crossing and head in a southeast direction until they reach the end of the existing footpath 50. Or they can turn right and head in a northwest direction along a new footpath adjacent to Wype Road to meet byway 49 (Lake Drove).
- 16.4. There is a signal in close proximity to the level crossing so that if a train were required to stop at the signal it would mean that the train would sit across the level crossing or obstruct sighting of approaching trains. This would only be the case for freight trains.



- 16.5. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.

- 16.6. Network Rail is aware of objections from Mr White (Obj23) and Mr Dale (Obj55) regarding the location of the footpath and Network Rail is still in negotiations on this matter.

17. C15 Brickyard Drove

- 17.1. Brickyard Drove is a footpath level crossing that provides a crossing point over the railway for footpath 48. Footpath 48 forms a north – south link from Bridleway 60 to the north (of the level crossing) and Benwick Road (B1093) to the south. There are no onward PRoWs leading off Benwick Road that would suggest any onward connectivity.
- 17.2. Our proposal is to create a new footpath from Wype Road, adjacent to the active level crossing and in the field boundary next to Jamwell Farm. This new footpath would head southwest along the field boundary until it reached a drainage ditch. A new bridge would be constructed to cross the ditch. A new cross field footpath would be created to the western corner of the field where it meets footpath 48. The existing footpath 48 would be extinguished from where it joins bridleway 60 (just north of the level crossing) to where the new footpath joins south of the railway.
- 17.3. Users travelling in a southerly direction from bridleway 60, would travel in a north east direction along bridleway 60 when they reach Wype Road they would cross over and use the new footpath that runs adjacent to Wype Road heading in a south eastern direction. On reaching the corner of the field users would cross the new bridge and cross the railway via the active level crossing. Crossing over Wype Road users would use the new footpath heading southwest. Following this footpath they would reach footpath 48. From here they would continue on as if they had not been diverted.
- 17.4. This proposal changed following the stage 2 habitat surveys, where a potentially active badger set was identified. This resulted in the route of the diversion route changing after the round 2 consultations.
- 17.5. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.
- 17.6. Objection 4 Mr and Mrs Bird, object that Network Rail's proposals will take users of the diverted path closer to their kennels. The line of the diversion that is proposed to be authorised by the Order, will be on a diagonal line to the far side of the existing drain from their property including the kennels.
- 17.7. Objection 6 Mr Gray has concerns over any potential disruption to his business and the workings of his tenant farmer. However a cross field path should not prevent the field from being cultivated in the way it is done today. As it does not have a surface, other than the field itself, harvesting is carried out as if the path were not there. In this situation there should be minimal disruption to the workings of the farm.
- 17.8. Objection 34 Mr Fountain, and Objection 35 Mr Brown, had the same issues as discussed in 17.7 above. There was also some clarity provided by Network Rail regarding the use of the temporary access to create the right of way.

18. C16 Prickwillow 1

- 18.1. Prickwillow 1 footpath level crossing is currently temporarily closed for safety reasons as set out in John Prest's Proof of Evidence. If the level crossing were open to use it would provide a crossing point over the railway for footpath 17. Footpath 17 is a river bank footpath that runs on the western bank of the River Lark. The river has large containment embankments, and the footpath runs along the top of the embankments.
- 18.2. Our proposal is to utilise the existing road under the bridge. To achieve this it is proposed to create a set of steps on the river bank from the top down to road level. There would need to be steps provided either side of the road bridge. The section of footpath 17 between the steps (over the railway) would be extinguished.
- 18.3. Users travelling in a southerly direction would, upon reaching the railway, descend a set of steps to reach Padnal Bank (a road). They would then road walk under the bridge until reaching another set of steps, they would ascend these to regain access to footpath 17.
- 18.4. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.

19. C17 Prickwillow 2

- 19.1. Prickwillow 2 footpath level crossing is currently temporarily closed for safety reasons as set out in John Prest's Proof of Evidence. If the level crossing were open to use it would provide a crossing point over the railway for footpath 57. Footpath 57 is a river bank footpath that runs on the eastern bank of the River Lark. The river has large containment embankments, and the footpath runs along the top of the embankments.
- 19.2. Our proposal is to utilise the existing road under the bridge. To achieve this it is proposed to create a set of steps on the river bank from the top down to road level. There would need to be steps provided either side of the road bridge. The section of footpath 57 between the steps (over the railway) would be extinguished.
- 19.3. Users travelling in a southerly direction would, upon reaching the railway, descend a set of steps to reach Branch Bank (a road). They would then road walk under the bridge until reaching another set of steps, they would ascend these to regain access to footpath 57.
- 19.4. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.

20. C20 Leonards

- 20.1. Leonards is a footpath level crossing that provides a crossing point of the railway for footpath 101. Footpath 101 forms part of a network of paths that link Soham to the northeast and Wicken to the south west (of the level crossing).
- 20.2. Our proposal is to create a new footpath on the eastern side of the railway that takes users towards Mill Drove active level crossing (approx. 225m to the northwest of the level crossing). It is also proposed to remove footpath 114 from Mill Drove Farm, where there is a conflict with vehicle movements and pedestrians. This would also remove a section of road walking for those users who are travelling from Soham to Wicken.

- 20.3. Users travelling from Soham on footpath 101 would travel in a south eastern direction across the first field, on reaching the field boundary they would turn right and head in a northern direction following the field boundary. Users would follow a field access track until they reached the next field. At this point they would head northwest across the field to reach Mill Drove (road). Once on Mill Drove users would turn left and head south along Mill Drove. At this point users could either continue south along Mill Drove to South Horse Fen, or they could turn right onto the new (diverted footpath 114). This new footpath follows the boundary of Mill Drove Farm before connecting to the original route of footpath 114, from here users would continue as if they had not been diverted.
- 20.4. This proposal changed as a result of consultation and concerns about increased on road walking along Mill Drove. In response to these concerns footpath 114 was proposed to be re-routed around Mill Drove Farm, so that users could;
- i. Use the footpath
 - ii. Use it to reduce the on road walking when coming from / going to Wicken via byway 113.
- 20.5. It is likely that when the Soham line doubling happens and the capacity increase that it will bring would cause Mill Drove level crossing to become a full barrier level crossing. If this were the case it would require protecting signals and those signals are ideally located 180m from the level crossing, which provides the protection required, whilst keeping road closure times to a minimum. If the signals were positioned in this optimum position, and if trains were held at the signals for some reason, they would stand over the existing Leonards footpath level crossing, or the signals would need to be positioned an excessive distance from the full barrier level crossing thus unnecessarily increasing the road closure times.
- 20.6. We understand that the highway authority, Cambridgeshire County Council, is objecting to this proposal. It is likely that double-tracking of the Soham branch, together with Greater Anglia's franchise commitments, will see more passenger and freight trains on this line in the future, which will increase the risk at passive level crossings. The maximum additional distance created by our diversion will be 373m, which is similar to the length of ramps if a footbridge were to be provided at this crossing. Our proposed diversion will take the footpath closer to the heart of Soham, providing a slightly shorter urban circular route and better connectivity for people heading north. On balance therefore, we feel that the benefits and disbenefits to various users more or less even out. We are also providing a diversion to the currently obstructed footpath 114 west of Mill Drove, at the Council's suggestion, to improve connectivity in the area.

21. C21 Newmarket Bridge

- 21.1. Newmarket Bridge is a footpath level crossing that provides a crossing point over the railway for footpath 24 and private vehicular access. Footpath 24 is a river bank footpath on the east side of the River Great Ouse.
- 21.2. Our proposal is to divert public users to the underbridge just to the west of the level crossing. To achieve this it is proposed to dedicate the existing tarmacked shared use cycle

path to the public. The existing footpath 24 between the tarmacked cycle paths (over the level crossing) would be extinguished. The private vehicular gates would be locked and the current authorised users provided with a key.

- 21.3. Public users would continue as they do today to use the shared use cyclepath.
- 21.4. Cambridgeshire County Council has been concerned about the potential risk of the new PRow flooding. PRowS are legally required be kept free from obstructions, however, this does not extend to a natural obstruction such as a flood. If the path becomes blocked by a natural obstruction (e.g. during a time of flood) then the user does not have the right to deviate around the natural obstruction and is advised to retrace their steps. The Environment Agency (EA) note that PRowS are classed as 'Water Compatible' and are therefore acceptable within Flood Zone 3b – the functional floodplain.
- 21.5. We understand that the highway authority, Cambridgeshire County Council, has provided a holding objection (Obj12) to this proposal, pending further flood data.

22. C22 Wells Engine

- 22.1. Wells Engine is a footpath level crossing that provides a crossing point over the railway for footpath 23 and private vehicular access. Footpath 23 is a river bank footpath on the west side of the River Great Ouse.
- 22.2. Our proposal is to divert public users to the underbridge just to the east of the level crossing. To achieve this it is proposed to create two new footpaths around the railway at the foot of the railway embankment to then join under the railway bridge. The existing footpath 23 between the two new sections of footpath (over the level crossing) would be extinguished. The private vehicular gates would be locked and the current authorised users provided with a key.
- 22.3. Public users travelling in a northerly direction would (on reaching the railway) turn right and follow the new footpath in a south easterly direction until they were able to pass under the railway bridge, at this point they would then travel in a north westerly direction until they re-joined the original footpath 23.
- 22.4. Cambridgeshire County Council has been concerned about the potential risk of the new PRow flooding. PRowS are legally required be kept free from obstructions, however, this does not extend to a natural obstruction such as a flood. If the path becomes blocked by a natural obstruction (e.g. during a time of flood) then the user does not have the right to deviate around the natural obstruction and is advised to retrace their steps. The Environment Agency (EA) note that PRowS are classed as 'Water Compatible' and are therefore acceptable within Flood Zone 3b – the functional floodplain.
- 22.5. We understand that the highway authority, Cambridgeshire County Council, has provided a holding objection (Obj12) to this proposal, pending further flood data.

23. C24 Cross Keys

- 23.1. Cross Keys is a footpath level crossing that provides a crossing point of the railway for footpath 50. Footpath 50 is part of a network of PRowS that link Ely to the southwest (of the level crossing) to the River Great Ouse to the east of the level crossing. There are no

crossing points of the River Great Ouse in the vicinity of footpath 50, only a north – south footpath (15), so it is reasonable to take the view that users would be either heading further north, or heading south (as part of a circular walk).

- 23.2. Our proposal is to utilise a railway under bridge to the north of the level crossing as the means of crossing the railway. In order to achieve this it is proposed to create a new footpath on the western side of the railway. This new footpath would follow the railway in field boundaries north until it reached the over bridge, at which point it would pass under the railway and join footpath 15.
- 23.3. For those users who were taking a circular walk and wishing to head south, a new footpath is proposed on the west side of the railway. This footpath would follow the railway in field boundaries south until it linked into footpath 49, where Adelaide level crossing can be used to access footpath 15.
- 23.4. A short section of footpath 50 would be extinguished from the point where the new footpaths are created (on the west of the railway) to the point where it meets footpath 15 (on the east side of the railway).
- 23.5. Users travelling in a north easterly direction from Ely along footpath 50, would on reaching the railway, have two choices. Head north or head south. If heading north they would turn left and follow the new footpath until they reached the railway bridge, where they would follow the footpath under the railway and join footpath 15. From here the user would continue north as though they had not been diverted. If heading south they would turn right and follow the new footpath until they reached footpath 49. They would then turn left and cross the railway via Adelaide level crossing to join footpath 15. From here the user would continue south as though they had not been diverted.
- 23.6. There is a signal in close proximity to the level crossing so that if a train were required to stop at the signal it would mean that the train would sit across the level crossing or obstruct sighting of approaching trains.



- 23.7. This proposal changed between round 1 consultation and round 2 as a result of Adelaide level crossing being taken out of the project and a new link being provided to the south to Adelaide at allow for the circular walks as described in section 23.4 above and in 11.3 above.

- 23.8. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.
- 23.9. Mr Anthony Leonard Lee has objected (Obj32) raising concerns that the route of the diverted footpath on his land is within an area that has been entered into environmental stewardship and that the existing diverse habitat could be lost as part of the proposals. Network Rail does not believe this to be the case. He also raised concerns over the access required by Network Rail to undertake this work. We have explained this in a written response.

24. C25 Clayway

- 24.1. Clayway is a footpath level crossing that provides a crossing point of the railway for footpath 10. Footpath 10 provides a broadly east – west link from the River Great Ouse to the east (of the level crossing) to Littleport to the west.
- 24.2. Our proposal is to utilise the active level crossing of Sandhill, to the north of the level crossing as the means of crossing the railway. To be able to achieve this it is proposed to provide a pavement at the junction of Padnal Road and Victoria Street on the south side of Victoria Street. It is also proposed to provide a short section of footpath to link footpath 21 (along the west bank of the River Great Ouse) and Sandhill, this is to remove the need for users to negotiate the steep bank up to Sandhill Bridge.
- 24.3. Users travelling in a broadly eastbound direction from Littleport on footpath 10 would, on reaching Padnal Road, turn left and head north along the pavements of Padnal Road. At the junction with Victoria Street they would turn right and using the new pavement cross over the railway via Sandhill active level crossing. Once over the railway they would turn right onto Sandhill (road) from here they have choice of either continuing south along Sandhill until they reach the existing footpath 10, where they would continue as if they were not diverted. Or they would head east along the new footpath that leads to footpath 21 on the western bank of the River Great Ouse. On reaching footpath 21 they would turn right and head south until they reached the end of footpath 10, where they would continue as if they were not diverted.
- 24.4. An application was made to close Clayway level crossing by way of a Rail Crossing Extinguishment Order in 2003 (Highways Act s118a), following the authorisation of residential development near the crossing. A public inquiry was held in 2004, as a result of which the Inspector decided not to confirm the order. The need for diverted pedestrians to cross Victoria Road twice in order to walk the diverted route, putting them in conflict with vehicles, meant that the diversionary route was less attractive in terms of safety, so the Order could not be confirmed. The convenience of the diversionary route was also considered, and the need to cross Victoria Road twice was one of the factors in assessing it as “less enjoyable”. A copy of the Inspector’s report can be found at App NR30/2 tab 7.
- 24.5. It is likely that Sandhills level crossing will become a full barrier level crossing at some point in the future, it is unlikely to be closed or bridged. If this were the case it would require protecting signals and those signals are ideally located 180m from the level crossing, which provides the protection required, whilst keeping road closure times to a minimum. If the

signals were positioned in this optimum position, and trains were held at the signals for some reason, they would stand over the existing Clayway footpath level crossing, or the signals would need to be positioned an excessive distance from the full barrier level crossing thus unnecessarily increasing the road closure times.

- 24.6. We understand that the highway authority, Cambridgeshire County Council, is objecting to this proposal (Obj012). We will be undertaking works to improve footways on the south side of Victoria Street at Sandhills level crossing, which will be of benefit to all users. The maximum extra distance that closure of this crossing will necessitate walking is 322m, which compares favourably to the length of a ramp were a footbridge ever to be built at this crossing. A local circular route will still be available via Sandhill and FPs 11 and 21.
- 24.7. Mr Clark, representing the Heartbeat Group objects (Obj14) to the closure of the level crossing. His objection refers to an earlier public inquiry to close the level crossing under the Highways Act 1980 which was refused. Network Rail's current proposal would utilise the powers of the Transport & Works Act 1992 to provide a new footway along Victoria Street to segregate pedestrian users from the carriageway which would also have the benefit of eliminating the need for users to cross Victoria Street twice. We note Mr Clark's concerns about air pollution. The majority of Network Rail's proposed diversion (on Padnal Road) is through a suburban housing estate. The remainder of the diversion is on footway segregated from the carriageway and is limited to approximately 40m which is the section over the active level crossing on Victoria Street, before it joins the footpath again, therefore we do not consider there to be any air quality issues.

25. C26 Poplar Drove

- 25.1. Poplar Drove is a vehicular level crossing, the exact status of public rights over the level crossing is not clear, especially as there is public road leading up to the level crossing on both sides.
- 25.2. Our proposal is to create a BOAT with a width restriction of 1.525m. To achieve this we would provide bridleway gates (including mounting / dismounting blocks) and the vehicular gates would be locked and those users who have a genuine need to cross with vehicles (after making themselves known to Network Rail) would be granted authorised user rights to use the vehicular gates. The existing telephone would remain on site. Turning heads would also be provided for those who do not have authorised user rights to turn around in.
- 25.3. Equestrian, cyclist & pedestrian users of Poplar Drove level crossing would continue to use the level crossing as they do today, they would use the new bridleway gates. Vehicular users (if authorised by Network Rail) would use the vehicular gates as today. Other vehicular users would turn around using the turning heads and use the public road network to gain access to the other side of the railway.
- 25.4. The proposals changed during the consultation process, as it was clear from the feedback received that this level crossing was easier to use than C27 Willow Row due to the tarmacked approaches. As a result of the feedback it was decided to divert all the rights from Willow Row level crossing to consolidate them at Poplar Drove level crossing.

- 25.5. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.
- 25.6. Mr Anthony Leonard Lee has objected (Obj32) to the creation of a bridleway on his land. As described above the new bridleway link proposal, connecting Willow Row with Poplar Drove, has been developed as a result of consultation with the local highway authority. Network Rail does not see this as a new circular route.

26. C27 Willow Row

- 26.1. Willow Row is a vehicular level crossing that provides a crossing point of the railway for BOAT 30. BOAT 30 is a northwest – southeast from Sunningdale (located on Hale Drove) in the northeast to Denver Farm (located on Ten Mile Bank) in the southeast.
- 26.2. The current arrangements at Willow Road level crossing require any user to Stop, Look & Listen for approaching trains. This requires the user to make a judgement if it is safe to cross the railway.
- 26.3. Our proposal is to divert users to Poplar Drove level crossing (approx. 500m) to the southeast of the level crossing. To achieve this it is proposed to undertake some improvements to BOAT 31 on the west side of the railway. On the east side of the railway it is proposed to provide a new bridleway link from the level crossing following the railway in the field boundaries to Poplar Drove level crossing.
- 26.4. Users travelling in a south easterly direction along BOAT 30 from Sunningdale, would on reaching the junction with BOAT 31, turn right onto BOAT 31 and travel southwest. BOAT31 joins Poplar Drove, and users would continue in a southwest direction and follow Poplar Drove until they reach the railway. Crossing the railway via Poplar Drove level crossing, users would have a choice of either continuing in a south easterly direction along Poplar Drove. Or turning left and travel north along the new bridleway, which links to the original BOAT 30. At this point they would continue as if they were not diverted.
- 26.5. There is a signal in close proximity to the level crossing that if a train were required to stop at the signal it would mean that the train would sit across the level crossing.
- 26.6. The proposals at this level crossing changed through the consultations. Originally it was proposed to downgrade the public rights to bridleway rights. However during the consultations we were informed that C26 Poplar Drove was an easier level crossing to use due to having tarmacked approaches, and so it was decided to divert users to C26 Poplar Drove and close C27 Willow Row level crossing.
- 26.7. Mr Anthony Leonard Lee has objected (Obj32) to the creation of a bridleway on his land. As described above the new bridleway link proposal, connecting Willow Row with Poplar Drove, has been developed as a result of consultation with the local highway authority. Network Rail does not see this as a new circular route.
- 26.8. Ms Murfitt has objected (Obj54) to the closure of the level crossing and the creation of a new bridleway link connecting to the level crossing at Poplar Drove. Ms Murfitt says the reasons for her objection are the new bridleway would decrease the value of her land and allow trespassers to roam. The new bridleway link proposal, connecting Willow Row with

Poplar Drove, was developed following consultation with the local highway authority who was concerned to ensure mitigation for equestrian and cycle users of Willow Row crossing.

- 26.9. Mr Murfitt has objected (Obj36) and feels that he has not been listened to about the importance of the crossing to his business. However Network Rail's responsibilities and the rationale for undertaking the closure of level crossings such as C27 Willow Row are explained in our statement of case (NR26). In 2016 we undertook 2 rounds of public consultation, which he attended, and which covered proposed changes at C26 Poplar Drove and C27 Willow Row level crossings. Unlike C27 Willow Row, Poplar Drove level crossing is tarmacked and suitable for larger agricultural vehicles such as a combine whereas C27 Willow Row is suitable for vehicles up to the size of a tractor and trailer only. It was therefore decided, as the proposals were worked up prior to application, that of the two, it was preferable to retain rights for authorised users which would include Willow Road Farm over Poplar Drove and to close Willow Row level crossing. We appreciate that this will be less convenient to Mr Murfitt than the existing route; however, the Ten Mile Bank is a quiet rural road on which other users will expect to see agricultural vehicles.
- 26.10. The Ely Group Internal Drainage Board (IDB) objected (Obj29) to the level crossing closing. The existing Byway 30 will remain on each side of the railway crossing, meaning that the IDB will continue to have vehicular access.

27. C28 Black Horse Drove

- 27.1. Black Horse Drove is a public road level crossing that provides a crossing point of the railway for Black Horse Drove (road). Black Horse Drove is a southeast – northwest road that runs from Ten Mile Bank (road) to the southeast (of the level crossing) to Cross Drains Farms to the northwest. There are no onward public rights beyond the north-western end of the public road (approx. 300m).
- 27.2. Black Horse Drove is fitted with an active warning of approaching trains, this consists of a set of red / green lights and a telephone if the lights are not working. These provide sufficient warning for vehicles, unless they are 'Large and Slow moving vehicles' as stipulated on signage at the level crossing.
- 27.3. Our proposal is to remove all public rights over the level crossing. Private rights would be granted to those who required access over the level crossing.
- 27.4. Private users would continue to use the level crossing as they do today.
- 27.5. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.

28. C29 Cassells

- 28.1. Cassells is a footpath level crossing that provides a crossing point of the railway for footpath 1. Footpath 1 is a north – south footpath that runs from footpath 10 to the north (of the level crossing) and footpath 11 to the south.
- 28.2. Our proposal is to divert users to the west to utilise Brinkley Road active level crossing. To achieve this, a new link path from footpath 10 to Brinkley road is proposed, and a section

of Network Rail land is proposed to be used to provide a footway adjacent to Brinkley Road.

- 28.3. Users travelling in broadly south-westerly direction along footpath 10 would continue past the existing connection with footpath 11 until they reached appoint where footpath 10 turns right (northwest). At this point users would continue in a south westerly direction on the new footpath that leads to Brinkley Road. On reaching Brinkley Road, they would cross over Brinkley Road and turn left and head southeast, crossing over the railway at Brinkley Road active level crossing. Users would use the new footway provided at the side of Brinkley Road on Network Rail land, and then they would continue of the grass verge until they meet footpath 11 on the right. From here the user would continue as if they had not been diverted.

29. C30 Westley Road

- 29.1. Westley Road is a public road level crossing that provides a crossing point of the railway for Westley Bottom Road. Westley Bottom Road is part of a long broadly northwest – southeast network of byways and quiet roads that links Bottisham, Westley Bottom, Westley Waterless and Burrough Green.
- 29.2. Westley Road is fitted with an active warning of approaching trains, this consists of a set of red / green lights and a telephone if the lights are not working. These provide sufficient warning for vehicles, unless they are 'Large and Slow moving vehicles' as stipulated on signage at the level crossing.
- 29.3. Our proposal is to downgrade the public rights over the railway from public road to public bridleway and replace the existing pedestrian wicket gates with bridleway gates (including mounting / dismounting blocks). The vehicular gates would be locked and those users who have a genuine need to cross with vehicles (after making themselves known to Network Rail) would be granted authorised users rights to use the vehicular gates. The existing telephone and warning lights would remain on site. Turning heads would also be provided for those who do not have authorised user rights to turn around in.
- 29.4. Equestrian, cyclist & pedestrian users of Westley Road level crossing would continue to use the level crossing as they do today, they would use the new bridleway gates. Vehicular users (if authorised by Network Rail) would use the vehicular gates as today. Other vehicular users would turn around using the turning heads and use the public road network to gain access to the other side of the railway.

30. C31 Littleport Station Barrow Crossing

- 30.1. Littleport Station Barrow Crossing is a pedestrian level crossing that provides a crossing point of the railway for passengers wishing to access / exit the Cambridge (south) bound platform of Littleport Station. There are no public rights of way over this level crossing.
- 30.2. Our proposal to enable the extension of the Kings Lynn (north) bound platform is to stop up the section of Station Road that passes beneath the railway to the south of the railway station. This would enable pedestrian access from the station car park to the east side of

the railway where it is planned to build a new station access as part of the Network Rail Kings Lynn Service Enhancement Scheme.

- 30.3. Vehicular users of the underpass today would use the level crossing section of Station Road to cross the railway.
- 30.4. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.

31. C33 Jack O'Tell

- 31.1. Jack O'Tell has two elements to it. One is a private vehicular level crossing provides east – west agricultural access between the farmstead on the west of the railway and cultivated fields on the east of the railway. The second is a public footpath, which is not affected by this order.
- 31.2. The current arrangements at Jack O'Tell level crossing require any user to Stop, Look & Listen for approaching trains. This requires the user to make a judgement if it is safe to cross the railway.
- 31.3. Having considered the objections of FC Palmer & Sons and their subsidiaries (together with other third party objections), Network Rail has concluded that it should not close both of Nairns and Jack O'Tell crossings, and that one of those crossings should remain open to vehicular traffic relating to FC Palmer & Sons' farming operations.
- 31.4. The decision about which of Nairns or Jack O'Tell should remain open depends on the provision of appropriate means of access between the crossing in question and the remainder of the farm holding. In both cases, land which is currently farmed by FC Palmer & Sons/its subsidiaries can be used for such means of access. However, some of that land is farmed under contract or pursuant to a farm business tenancy, and in each instance the freeholder's agreement would be required to create permanent rights of access over the land for the benefit of FC Palmer & Sons. Negotiations are underway with the relevant freeholders, but until those negotiations are concluded, it is not possible to determine which of the crossings should remain open.
- 31.5. Because at least one of the crossings is to be closed but it is not yet clear which one will be closed, Network Rail continues to seek the powers in the Order to close both of the crossings. However, it undertakes as follows:
 - 31.5.1. Network Rail will not exercise the powers in the Order to close both of Nairns and Jack O'Tell;
 - 31.5.2. Network Rail will not exercise the powers in the Order in respect of either Nairns or Jack O'Tell until a permanent means of access from the crossing which is to remain open to the remainder of FC Palmer's landholding has been secured;
 - 31.5.3. If permanent rights to use the existing means of access between Nairns and the farmed land to the east of the railway can be secured by agreement, the powers in the Order will not be exercised so as to close Nairns to farm traffic and the crossing will be upgraded through the provision of miniature stop lights. The telephone system will be maintained. Network Rail will continue to review level crossing risk and whether further enhancements are required;

- 31.5.4. If the rights referred to in 31.5.3 above cannot be secured by agreement, but a new means of access from Jack O'Tell northwards along the eastern side of the railway can be, the powers in the Order will not be exercised so as to close Jack O'Tell to farm traffic and the crossing will be upgraded through the provision of miniature stop lights and the installation of a telephone system. Network Rail will continue to review level crossing risk and whether further enhancements are required.
- 31.6. Network Rail considers that this is a reasonable and proportionate response to the objections, which continues to serve the Order's purposes but which reduces the impact on FC Palmer and Sons' farming operations. The undertakings above also address the concerns of other objectors in respect of increased farm traffic on the local highway network.
- 31.7. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal as long as the agricultural traffic does not need to use the A1123 or the A10.

32. C34 Fysons

- 32.1. I discuss what is proposed for this crossing, and how that design has developed, by reference to the Design Freeze Plan for this crossing which can be found at Appendix F of NR26.
- 32.2. The current arrangements at Fysons level crossing require any user to Stop, Look & Listen for approaching trains. This requires the user to make a judgement if it is safe to cross the railway.
- 32.3. Fysons private vehicular level crossing provides east – west agricultural access between cultivated fields on the west of the railway and access tracks to the farmstead on the east of the railway. There are no public rights over this level crossing.
- 32.4. Users travelling in an eastbound direction would travel south on Cross Drove, which turns left and heads southeast after a while to cross the railway via Bannolds active level crossing. When Cross Drove meets Long Drove users would turn left and head north to a point where they would have previously arrived had they not have been diverted. From here they would continue as they do today.
- 32.5. The current arrangements at Fysons are that the fields on either side are cultivated with crops, meaning that there is no access to the level crossing without spoiling the crops. This would indicate that the level crossing is only used when the immediate fields are being harvested, and it could therefore be stated that they only serve those fields and not those beyond.
- 32.6. There is a signal in close proximity to the level crossing that if a train were required to stop at the signal it would mean that the train would sit across the level crossing or obstruct sighting of approaching trains.



33. C35 Ballast Pit

- 33.1. Ballast Pit private vehicular level crossing provides private access between Long Drove (road) on the east side of the railway and some fishing lakes on the west side of the railway. There are no public rights over this level crossing.
- 33.2. The current arrangements at Ballast Pit level crossing require any user to Stop, Look & Listen for approaching trains. This requires the user to make a judgement if it is safe to cross the railway.
- 33.3. Our proposal is to provide an alternative means of accessing the fishing lakes from the west side of the railway via byway 14. This alternative access will be a track along the edge of a field from byway 14 to the existing fishing lake access point next to the level crossing.
- 33.4. Users who are currently accessing the fishing lakes from Long Drove would continue north on Long Drove to the junction with Cross drove. At this point they would turn left onto Cross Drove and head west over Bannolds active level crossing and onto byway 14. Once on byway 14 users would continue west until they reach the bend on byway 14, where they would then head south on byway 14 until they reach the new access.
- 33.5. There is a large (6,500) new housing development being proposed to the west of Ballast Pit. The change of use of the land from agricultural / military to residential will have an impact on the level crossing, such as trespass over the railway to gain access to the River Cam to the east. See Appendix NR30/2 tab 8 for plans of the development including an extract from the Local Plan that shows development right up to the railway boundary.
- 33.6. We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.

34. Objections to the Order

- 34.1. In addition to the objections I have addressed above, and which are addressed in the Proofs of Evidence of the other witnesses appearing on behalf of Network Rail, I confirm that Network Rail has responded, in writing, to all objectors to the Order whose objections had not been withdrawn as at the end of August 2017. I confirm that that correspondence will be provided to the Inspector at the end of Inquiry in the usual way.

35. Witness declaration

I hereby declare as follows:

- i. This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- i. I believe the facts that I have stated in this proof of evidence are true and that the opinions expressed are correct.
- ii. I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.