

The Proposed Network Rail (Cambridgeshire Level Crossing Reduction) Order

C07 No.37 – Note re OBJ/25 William and Henry Hurrell

Network Rail Note 7

Purpose of note

The programme to the Inquiry received an email on 6 December on behalf of OBJ/25. The final paragraph of that email said as follows:

"We continue to liaise with Network Rail and Cambridgeshire County Council for a proposed solution. Regrettably such liaison and negotiation has been extensively delayed despite our continued efforts to pursue them (please see attached summary of our attempts)."

The email attached a list that appeared to be a list of contact between this landowner and Network Rail.

Network Rail rejects any inference that it has not been prepared to meet with affected landowners to seek to reach agreements with them where this is practicable.

The purpose of this note is to explain the totality of contact with this objector.

Network Rail's proposals at this location

The Order would confer the power to close the crossing to all users and to extinguish existing public rights of way over the crossing. On the western side of the railway, users would be diverted via a new 3m wide unsurfaced footpath, approximately 460m in length, heading north east in fields to the B136. The diversion would continue south along a new 3m wide unsurfaced footpath in field margin adjacent to the eastern side of the B136, for approximately 160m, crossing a byway (BW3) and continuing as 2m wide unsurfaced footpath for approximately 120m before crossing the railway via the existing bridge on the B136. Stepped access would be provided from the new footpath on the north side of the railway to the footway on the existing bridge.

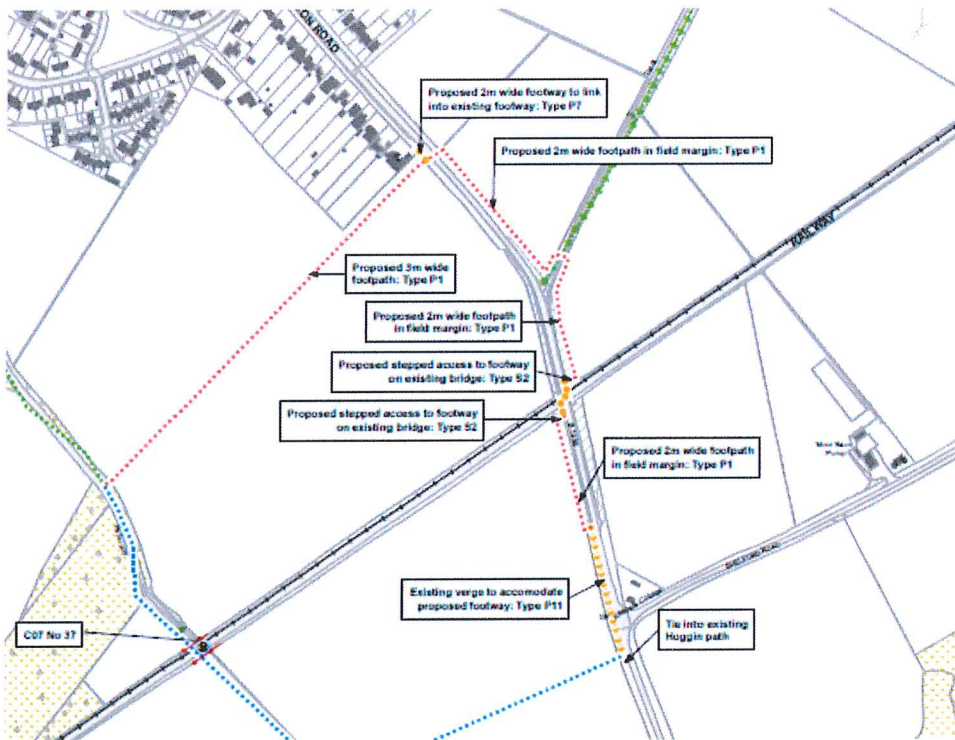
Stepped access would also be provided on the south side of the bridge connecting into a new 2m wide unsurfaced footpath heading south for approximately 120m in the field adjacent to the western side of the B136. A new hoggin path approximately 120m long would be provided in the highway verge between the end of the field footpath and the existing hoggin path in the western highway verge. Approximately 175m of footpath on the western side of the railway leading to the level crossing would be extinguished. The ongoing footpath from the crossing to Station Road, approximately 500m in length, would also be extinguished. Crossing infrastructure would be removed and fencing installed to prevent trespass on the railway. New signage would be provided.

This is shown in the diagram below.

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The proposals at this location were amended during design development in consultation with the County Council. The option to use existing highway verge on B1368 London Road was explored at round 1 and round 2 proposals. In Network Rail's discussions with the highway authority, Cambridgeshire County Council, the proposal was developed to minimise walking on the highway verges in line with their requirements.

In addition, a Road Safety Audit identified safety concerns at the junction of the B1368 London Road and Shelford Road. This is a wide junction mouth where vehicles are turning at speed and this increases the potential for conflict between pedestrians and vehicles. It was therefore recommended that pedestrians are diverted along the western side of the B1368 London Road and cross to the east side of the B1368 London Road to the north of this junction. Under the proposal pedestrians will cross at the railway bridge, where visibility is good in both directions with a wide hardstanding on either side, which provides a suitable location for pedestrians to cross the B1368 London Road.

As well as taking into consideration the highway authority's requirement to reduce roadside walking as much as possible, it was identified that the grass verge that runs alongside London Road would not accommodate a new footway. The narrowing verge on the southern approach to the bridge was deemed unsuitable for use. Similarly on the north side of the railway, London Road was seen to have an insufficient width of verge. Furthermore, the Traffic Survey Automatic Traffic Counts (ATC) data that was undertaken on London Road, showed there is relatively high traffic flow at this location (this data can be viewed in Document NR32/2 at Tab 1 on the Public Inquiry website).

As a result the final proposal provides for a field margin public right of way (PROW) affecting this landowner. Network Rail considers that the combination of field margin PROW and verge walking is more suitable than the use of existing highway verge along the full route.

Concerns raised by the objector

The objector does not object in principle to the closure of the level crossing however they object to the use of their land for the proposed field margin PROW alongside London Road. Their key objection is

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that the diversion route should run in existing verge or new footway alongside London Road. Network Rail's response to this is set out above.

In addition they raise the following points in their objection letter as well as subsequent site meeting and correspondence. Our response to each point is set out below.

They have no objection in principle to the new proposed footpath running from the existing footpath to London Road and temporary use of land in this area. Network Rail has sought and confirmed with the objector that they are prepared to enter into negotiations with Network Rail in relation to this land, should the Order be granted.

Landowner notices were served incorrectly. Network Rail has confirmed that all notices were served correctly.

Lack of consultation on the final proposal. Network Rail has consulted with the objector in line with the relevant statutory requirements during development of the proposal.

Lack of accessibility of proposed diversion route alongside London Road. Network Rail undertook a Diversity Impact Assessment of the proposals which confirms that the proposals are consistent with the existing provision and in line with constraints in terms of use of third party land.

Security and trespass concerns in relation to access to other land. Network Rail has said that would be happy to discuss this, including reasonable mitigation measures, as the detailed design is developed.

Communications between the Objector and Bruton Knowles ("BK")/Network Rail ("NR") (red text indicates contact not included in the email to the Inquiry from Strutt & Parker)

06/01/17	Priority stakeholder letter sent to each of Henry Charles Hurrell and William Hurrell.
18/01/17	Email from Daniella/Bidwells to BK stating: 'I have been forwarded copies of the attached BK documents from Newton Farms c/o George Hurrell. From what I can see the proposed scheme also affects land owned by my client, William Hurrell (related to George Hurrell but not the same entity). William's ownership is shown edged blue on the plan. I am surprised not to have received this information directly on behalf of my client, and I have also forwarded the same onto Clare College c/o XXX XXXX (copied in above) our redaction]. I understand previous options have been proposed but my client was completely unaware of the current proposal. My client is not willing to accept this proposal without meeting with Network Rail to discuss alternative options. I am assuming that you are proceeding by agreement and without statutory powers, if so can you confirm that Network Rail will cover professional fees to handle this matter?'
19/01/17	Response from BK stating: "Dear Daniella, Thank you for your email, we will update our records and feed this back to Network Rail and Ardent. Network Rail are making an application under the Transport and Works Act Order to facilitate the reduction of Level Crossings in Cambridgeshire, for further information please visit https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/ . In respect of Agents fees, Network Rail have confirmed in line with Compulsory Purchase guidance that fees would not be reimbursed before Notice to Treat (notification that land is to be acquired following confirmation of TWAO). We would welcome the opportunity to meet to discuss the proposals and look forward to hearing from you. Kind regards"

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31/01/17	Email from Bidwells requesting a Site meeting with the Hurrells
07/02/17	Email from BK to Bidwells 'Apologies for the delay in my response. I see the Hurrell brothers are available on the week starting 13th March. Network Rail are planning to deposit the Order at the end of that month, as such I would like to meet the brothers before this date to ensure their opinions have the best chance of being heard. I currently have no date set for appointments in Cambridge and as such are available throughout the week starting 13th February.'
14/02/17	<p>BK had meeting with Hurrells on site – meeting notes below passed to NR 'Met with several members of the Hurrell family. Who explained they are concerned with the proposals. The Hurrell's raised concern regarding leftover building material (attached) that had been left by NR at the level crossing when installing a new gate. Shown as a brown spot on the annotated plan. The Hurrell's currently let the public use the track (shaded pink) where the new footpath is on informal basis, an "unofficial footpath" as it were. The Hurrell's would be keen to continue this arrangement so they would not lose the land.</p> <p>The Hurrell's object totally to the new ROW to the north of London Road(highlighted green), they claimed this route would require three footbridges (marked as B) and is not necessary. They believe there is more than adequate room on the northern verge of London Road, so people may access Byway 3, shown in blue pen. They also mentioned the new ROW is especially unnecessary as NR are expecting the public to use the grass verge to cross over the railway, making the new ROW redundant."</p>
24/02/17	Email from Motts to NR 'It would appear that the BK consultation here has been undertaken using a plan dating from August. The route north of London Road changed in October and was confirmed at the Option Validation Workshop. The design freeze plan (attached for reference) does not take the route that they objected to. Please would you check that BK are consulting using the correct information.
27/02/17	Email from BK to William Hurrell "Thank you for your time the other week and apologies once again for my lateness. Since our meeting, Network Rail have made us aware of updated plans. The new plan makes lesser use of your field north of London Road, which I hope you will approve of. Should you have any queries regarding the new plan, please do not hesitate to get in touch."
24 th March 2017	email request to Andrew Prowse (BK) for site visit
11 th April 2017	meeting cancelled by Andrew Prowse citing 'lack of instructions from client' Andrew Prowse has advised that he would not have left it at 'we have no instructions' but would have advised that objection management was being dealt with by NR.
24 th April 2017	letter to Secretary of State objecting to the TWAO copying in Network Rail
5 th May 2017	letter to Ms O'Neill at Department of Transport, Network Rail and Bruton Knowles attempting to establish contact
16 th May 2017	email to Andrew Prowse to pursue a meeting on site, Andrew Prowse declined stating no instructions from Network Rail
31 st May 2017	letter to Ms Choo-Bennett at Network Rail requesting a site meeting
23 rd June 2017	email to Andrew Prowse and letter to Ms Choo-Bennett asking for a site meeting
17 th August 2017	voicemail left with Patrick Hackett of Bruton Knowles to arrange a meeting following their letter dated 16 th August 2017
23 rd August 2017	email & voicemail chasing Patrick Hackett as no response
23 rd August 2017	Patrick Hackett responded to email to Kathryn Brown to advise 'The meeting will be with another representative from Bruton Knowles – I have referred this internally and somebody will be in touch to give you available dates for a meeting in due course. I hope this is ok – please let me know if

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	you still wish me to call you to discuss.'
25 th August 2017	Patrick Hackett responded to email to Kathryn Brown to advise 'My colleague Nigel Billingsley (cc'd in) will contact you directly to arrange a meeting.'
1 st September 2017	Patrick Hackett suggested 7 th September to meet his colleague Nigel Billingsley, date confirmed
4 th September 2017	Patrick Hackett cancels meeting on 7 th due to Nigel being out of the office, rearranged to 13 th September - this is not correct – the suggested meeting of 7 th was cancelled by Kathryn Brown meeting – full email and response: From: Kathryn Brown [mailto:Kathryn.Brown@struttandparker.com] Sent: 04 September 2017 13:51 To: Patrick Hackett Cc: Nigel Billingsley Subject: RE: Proposed Network Rail Level Crossing Closure - Hurrell [BK-BK.FID405269] Dear Patrick, My colleague Robin is due in Stamford at 2 so could do after the pre inquiry at, say, 12? Would the meeting be on site or in Cambridge? I am afraid I will not be able to attend on Thursday. Kind regards, Kathryn Kathryn Brown BSc (Hons)
11 th September 2017	Patrick Hackett cancels meeting on 13 th September due to Nigel being unwell, rearranged with Patrick on 20 th September As a matter of fact, NB had a serious injury to his Achilles tendon and was unable to walk or drive. Kathryn Brown was advised of this and responded 'That is unfortunate, but out of your control.'
20 th September 2017	meeting with Patrick Hackett on site
2 nd October 2017	follow up email to Patrick Hackett
5 th October 2017	Patrick confirms that comments from the meeting had been passed to Network Rail and we would receive a letter in the next week – letter received on 24 th October – a copy of this letter is at Appendix 1
24/10/17	Letter sent from NR to KB (Appendix 1)
23/11/17	Letter sent from NR to KB – a copy of this letter is at Appendix 2
4/12/17	Email from KB to NR: Thank you for forwarding Ms Choo-Bennett's response, please see below our response to her letter dated 23rd November 2017. Dear Ms Choo-Bennett, Thank you for your letter dated 23rd November. Our clients' concerns remain the same, as does their objection for the reasons stated in our Statement of Case. From our inquiries we remain of the view that an appropriate access which would benefit all can be provided by cost effective and viable means through the utilisation of the existing verge. In your letter dated 24th October, you confirmed that following us raising the issue of incorrectly served notices, you carried out an audit of land registry data which led to the discovery that William James Hurrell had not been served notice for Plot 5A. Further to this, please can you now confirm that the rest of the notices have been correctly served? Given the timeframe, if we do not hear from you, we will continue to raise this as an issue at the Inquiry, as per our Statement of Case. Kind regards, Kathryn
6/12/17	Email from NR to KB: Dear Ms Brown, Thank you for your email dated 4 December. You make 2 points. With regard to your first point, we note that your client still considers that an appropriate access which would benefit all can be provided by cost effective and viable means through the utilisation of the existing verge. As explained in letter dated 23 November, Network Rail considered use of the highway verge at earlier consultation stages. However the verge is not extensive. It is variable in width, obstructed in many places by significant vegetation and on the approach to the railway

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	bridge the land slopes away after a narrow verge area and would not be suitable for walking. Network Rail considers that the combination of field margin PROW and verge walking is more suitable than the use of existing highway verge along the full route. With regard to your second point, you ask for confirmation that William James Hurrell was properly served with notice of the application (other than plot 5A). I can confirm that, in light of your email query, Network Rail's property agents, Bruton Knowles, have conducted a further audit of our land registry data. This demonstrated that the list of notices served on William James Hurrell accord with the list of plots affected by the Order in which he has an interest. We also note that W J Hurrell was, in fact, served with the appropriate notice of the application in respect of plot 5A on 16 March 2017 by registered mail. H C Hurrell and Newton (Hurrell) Farms Limited were also served notices for plot 5A on 16 March 2017. It appears the issue Bruton Knowles picked up in our original correspondence was that Mr W J Hurrell was listed as a tenant in the Book of Reference and not the Freeholder. Therefore we have now updated our land referencing schedule accordingly. Please don't hesitate to contact me if you have any further queries.
6/12/17	Email from KB to NR: Dear Liz, Thank you and we note your comments. From our enquiries the total width of the highway ("fence to fence") allows for the accommodation of the road and (east boundary) pathway as we suggest. The existing verge need not be the assumed maximum width.

Conclusions

It can be seen from the attached that OBJ/25 has been represented by professional advisors from a very early stage of the project. The objector is concerned about the introduction of the footpath into the objector's field boundary, in addition to the extension of the permissive path that is already there. This is a need that has been determined as a result of consultation with the County Council as highway authority in the interests of public safety.

There will be an opportunity to look at ways of mitigating the impact of the proposals on the objector's land at the detailed design stage in due course, assuming the Order is made.

Winckworth Sherwood

12 December 2017



Robin Clarke
Strutt and Parker LLP
66-68 Hills Rd
Cambridge
CB2 1LA

Network Rail
James Forbes House
27 Great Suffolk St
London
SE1 0NS

24 October 2017

Ref: Obj/25/CAMB/R001

Dear Mr Clarke

**The Network Rail (Cambridgeshire Level Crossing Reduction) Order
Level crossing C07 Harston**

Parish of Harston, plots 3, 3A, 5, 5A, 6, 7, 10, 12, 18, 22, 23

Your clients: Brigadier William Hurrell and Mr Henry Hurrell

The Department for Transport has passed to us your letter of objection to the proposed Order dated 24 April 2017, on behalf of your clients Brigadier William Hurrell and Mr Henry Hurrell, which has been allocated the reference OBJ/25. We have also received your clients' Statement of Case.

Following your meeting with Patrick Hackett from Bruton Knowles, on 20 September 2017 we note your clients' concerns and respond to their objection points below.

In the following table, we confirm the current and proposed status of the level crossing referred to in the objection.

Level Crossing	Current Status	Proposed Status
C07 Harston CP	Public footpath	Closed. Users diverted to bridge on London Rd to the north east via new field margin footpaths.

First, we set out below the strategic context and background against which the Order

is brought forward.

Network Rail is responsible for the management and safe and efficient operation of the railway network. It operates under and is bound by the terms of its licence under the Railways Act 1993. It is regulated by the Office of Rail and Road (ORR).

In accordance with the terms of its licence and the strategic aims and policies of the ORR, Network Rail has a duty to ensure the safety of users of the railway and to promote improvements in railway services by cost effective and efficient management of the network. It is also legally responsible for safety on and around the railway, including at level crossings, not only for those using the railway, but members of the public who may otherwise come into contact with it. Network Rail is thus obliged to protect the public from the dangers of the railway so far as reasonably practicable.

As is recognised by the ORR in its Level Crossings Policy, the removal of level crossings is the most effective way to achieve this objective, removing the interface between trains and highway users entirely.

ORR's strategy for health and safety regulation of level crossings makes clear that it will encourage crossing closure, and ensure that all risk assessments consider this first, in line with the principles of prevention.

In accordance with that objective, Network Rail has established a long term strategy of reducing level crossing risk (see Transforming Level Crossings 2015-2040). Closure of level crossings is the most effective way of removing the risk from the network. Reducing the number of level crossings will also remove constraints on the railway to enable enhancement of capacity and improvement of line speed (in association with other schemes) and to secure operation and maintenance of the network in a timely, efficient and economical manner in accordance with Network Rail's statutory duties and licence.

For further information about Network Rail's strategic aims please refer to Network Rail's Statement of Case which has been sent to you. The Statement can also be found at:

<https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>.

As detailed in your Statement of Case and discussed in the meeting, we appreciate your comments that your clients do not object in principle to the closure of the level crossing and they welcome the proposed increase in safety to users and local residents.

We understand that in the meeting it was discussed that your client William Hurrell has no objection in principle to the temporary use of Plots 3 and 3a, as there is already an unofficial footpath in place along the route of the proposed new Public Right of Way (PROW) which is currently used by pedestrians.

We would be grateful if you could confirm that your client would be prepared to enter into negotiations with Network Rail in relation to Plots 3 and 3a, should the Order be granted.

Impact of Order

The order plans are compliant with the statutory requirements for an application under the Transport & Works Act 1992. Network Rail's proposals do not require acquisition of the land outright but we would be occupying it temporarily to create a new PROW. The land will remain under existing ownership.

The table below sets out details of the plots of land in which your clients have an interest, with details of the purpose for which the land is required. In terms of your client's land that is permanently affected by the proposals, Network Rail is seeking temporary acquisition over plots 3, 6, 7, 12, 23 in the Parish of Harston to create a new PROW.

<u>Number of Land</u>	<u>Freehold Owner</u>	<u>Tenant</u>	<u>Purpose for which temporary possession may be taken</u>	<u>Land in Which New Rights May be Acquired</u>
3	William James Hurrell	Henry Charles Hurrell Newton (Hurrell) Farms Limited	Creation of public right of way and access for removal of level crossing	
3a	William James Hurrell	Henry Charles Hurrell Newton (Hurrell) Farms Limited	Worksite	
5	William James Hurrell	Henry Charles Hurrell Newton (Hurrell) Farms Limited	Access for removal of level crossing and access for removal of public right of way	
5a		Henry Charles Hurrell William James Hurrell Newton (Hurrell) Farms Limited	Worksite	

6		Henry Charles Hurrell William James Hurrell Newton (Hurrell) Farms Limited	Creation of public right of way	
7	Henry Charles Hurrell	William James Hurrell Newton (Hurrell) Farms Limited	Creation of public right of way	
10	Henry Charles Hurrell	William James Hurrell Newton (Hurrell) Farms Limited	Worksite	
12	Henry Charles Hurrell	William James Hurrell Newton (Hurrell) Farms Limited	Creation of public right of way	
18	William James Hurrell	Henry Charles Hurrell Newton (Hurrell) Farms Limited	Worksite	
22	William James Hurrell	Henry Charles Hurrell Newton (Hurrell) Farms Limited		Access for creation of public right of way
23	William James Hurrell	Henry Charles Hurrell Newton (Hurrell) Farms Limited	Creation of public right of way	

You say that your client foresees ongoing access problems post diversion due to historic and previous use. We can confirm that Network Rail's proposals include installation of fencing to prevent trespass on the railway.

Your client is concerned that the proposed footpath will be seen as an extension of BOAT 3 and hence will be used by more than pedestrian traffic. Network Rail's proposal links the new footpath alignment with BOAT 3 to maintain onward connections with the PROW network and reduce walking adjacent to the road. The point at which the proposed footpath would cross BOAT 3 makes use of existing

breaks in the hedge line which appear to be used for field access purposes. The potential for unauthorised vehicles to access the fields therefore already exists. However, Network Rail appreciates your client's concern and would be happy to discuss this with you in more detail to see if this can be allayed, including whether any reasonable mitigation measures might be appropriate.

You refer to severe access restrictions as Network Rail's proposal includes construction of steps from the field level to the road level at P131 and P131A. The Order will require Network Rail to complete the diversionary paths to the reasonable satisfaction of the local highway authority and its proposals are consistent with the existing provision. It would not be reasonably practicable or proportionate to provide ramps up to the bridge, instead of steps, because of the amount of third party agricultural land that would be needed to accommodate ramps at this location and the current footpath level crossing is not accessible to those who cannot manage steps. We have provided a full response to your alternative proposal below.

A Road Safety Audit was undertaken for C07 level crossing during the design phase. The Audit Team advised that visibility from the railway bridge is good in both directions with a wide hardstanding on either side, which provides a suitable location for pedestrians to cross the B1368 London Road. As well as taking into consideration the highway authority's requirement to reduce roadside walking as much as possible, it was identified that the grass verge that runs alongside London Rd would not accommodate a new footway.

In point 3.5 of your Statement of Case, you refer to TWA guidance and procedure on the use of compulsory powers. Network Rail is confident that there is a compelling case in the public interest for closure of the level crossing and provision of an alternative diversionary route. The purpose of Network Rail's pre-application consultation was to engage with members of the public and other stakeholders and to elicit their views about the proposed scheme. As a result of consultation feedback, including discussions with the local highway authority, Network Rail has developed its proposals.

Proposed Alternative

You propose an alternative where the diversionary footpath is located on the extensive public highway verge east of London Road until Shelford Road. You say that this prevents the need for steps and avoids the need to cross London Road.

Network Rail considered use of the highway verge at earlier consultation stages. However the verge is not extensive. It is variable in width, obstructed in many places by significant vegetation and on the approach to the railway bridge the land slopes away after a narrow verge area and would not be suitable for walking.

In our discussions with the highway authority, the proposal was developed to minimize walking on the highway verges in line with their requirements. In addition, a Road Safety Audit identified safety concerns at the junction of the B1368 London Road and Shelford Road. This is a wide junction mouth where vehicles are turning at speed and this increases the potential for conflict between pedestrians and vehicles. It was therefore recommended that pedestrians are diverted along the western side of the B1368 London Road and cross to the east side of the B1368 London Road to the north of this junction. Under the proposal pedestrians will cross at the railway bridge, where visibility is good in both directions with a wide hardstanding on either side, which provides a suitable location for pedestrians to cross the road.

Where appropriate the proposal does use the existing verge. Network Rail's proposal includes an extension to the existing hoggin path at the point that the existing verge on the B1368 is 2m wide, providing a connection to Shelford Road. As we've set out above, the off-road path on your clients' land is required to the north of this extension.

Other Issues

As you highlight our agent, Bruton Knowles, met with your clients in February 2017. Although the Order seeks compulsory powers, Network Rail wishes, and expects to, participate in meaningful negotiations with all landowners to acquire land and interests in land by private treaty alongside the formal statutory processes. We hope very much that it will be possible to agree such arrangements in the near future.

Under the Transport & Works Act (Applications and Objections Procedure) Rules 2006, Network Rail is obliged to serve notices on every landowner affected by the compulsory powers to be conferred by the proposed Order. An individual notice was served in respect of each plot of land. Where someone has a legal interest in many plots this has resulted in a large number of notices being issued.

Network Rail notes your comments regarding the mistake in the addressing of notices and has carried out an audit of land registry data. This has revealed that William James Hurrell should have been served notice in respect of plot 5A. We have updated the Book of Reference accordingly.

At the recent meeting with Bruton Knowles you said that your clients were not consulted regarding the route shown in the final design freeze plan. Network Rail consulted with your clients during the consultation process and we note that a copy of the final proposal was sent to your clients on 27 February 2017. Prior to the deposit of its application Network Rail consulted thoroughly on its proposals before settling on a preferred route in the light of consultation responses. This is an entirely usual and acceptable approach. Network Rail considers that its application is fully compliant with the relevant statutory requirements.

At the meeting you also stated that your clients are concerned about littering and the impact on farming practices from the proposed footpath on their land. There are many public footpaths that cross farmland throughout the UK and the presence of a public footpath across farmland does not impinge upon agricultural production.

We hope that our responses have provided sufficient clarity on each of the points made in your objection. It seems to us that any outstanding matters should be capable of resolution by ongoing discussion between us as the detailed design of the works is developed. If you agree, we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. If not, we would welcome the opportunity to meet you with a view to resolving such issues as soon as possible. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to ALCross@networkrail.co.uk quoting the reference number provided.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Bridgit Choo-Bennett', with a stylized flourish at the end.

Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team
Network Rail



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SE1 0NS

23 November 2017

Ref: Obj/25/CAMB/R002

Dear Mr Clarke

**The Network Rail (Cambridgeshire Level Crossing Reduction) Order
Level crossing C07 Harston**

Your clients: Brigadier William Hurrell and Mr Henry Hurrell

We respond below to your email dated 13 November 2017.

Thank you for confirming that your client is willing to discuss the creation of the new proposed footpath on plot 3 and the use of plots 3 and 5 for temporary access and plots 3a and 5a as a worksite.

Network Rail seeks to use plot 3a and 5a temporarily as worksite for removal of the level crossing and creation of the public right of way. In terms of likely duration of the works to create the footpath, as an indicative timescale, this should take around 3 months to complete.

The start date for the works will depend on a number of factors, not least when the Transport Works Act Order powers are granted. The new public right of way must be approved by the Highway Authority before works to remove the level crossing can be carried out. The removal will be programmed in line with operational requirements. This may mean that Network Rail will require access periodically over a period of months. Network Rail will consult with your client as the programme of works is developed to seek to reduce the impact on your client's use of the land, where reasonably practicable.

Article 23 of the draft Order requires Network Rail to restore the land of which temporary possession has been taken to the reasonable satisfaction of the owners and to pay compensation for any loss or damage arising from its exercise of the Order powers.

You raise concern about the potential for trespass, Network Rail would be happy to discuss this with you in more detail to see if this can be allayed, including whether any reasonable mitigation measures might be appropriate.

In response to your comments about accessibility of the proposed diversionary route, Network Rail has considered this during development of the proposal. An Equality and Diversity Overview Report was prepared to analyse the accessibility of the existing level crossing and the proposed alternative provision. The report recommended that a full Diversity Impact Assessment (DIA) was undertaken. The DIA concluded that due to the availability of the alternative route in the local area to cross the railway, closure and redirection along the proposed diversion route is considered an appropriate solution. However, there were further points raised as potential actions for which consideration will be given during the detailed design / implementation stages. We enclose a copy of the DIA which is a live document and will be maintained during the development of the scheme.

You ask for evidence of the requirement from the highway authority to reduce roadside walking. The results of the public consultation events were discussed with Cambridgeshire County Council and the meeting minutes can be found in Document NR32/2 at Tab 5 on the Public Inquiry website <http://cambridge-level-crossings.persona-pi.com/network-rail-proofs>. The results of these discussions led to the evolution of the design proposals to mitigate Cambridgeshire County Council's concerns about the extinguishment of part of the existing public rights of way. Off-road walking was provided alongside London Road and steps were provided to gain access to the highway bridge on the B1368 London Road to minimise walking along the relatively narrow verge on the B1368 London Road. The proposed field boundary footpath which connects to BOAT 3 to the north of the railway is redirected behind the hedge in field margins adjacent to the B1368 London Road.

The option to use existing highway verge was explored at round 1 and round 2 proposals. Following discussions with Cambridgeshire County Council after round 2 of consultation, it was decided that field margin paths should be created where possible, along London Road. The narrowing verge on the southern approach to the bridge was deemed unsuitable for use. Similarly on the north side of the railway, London Road was seen to have an insufficient width of verge, so a field margin public right of way (PROW) was introduced. Furthermore, the Traffic Survey Automatic Traffic Counts (ATC) data that was undertaken on London Road, showed there is relatively high traffic flow at this location (this data can be viewed in Document NR32/2 at Tab 1 on the Public Inquiry website). Network Rail considers

that the combination of field margin PROW and verge walking is more suitable than the use of existing highway verge along the full route.

We hope that this response addresses the concerns of your client and as mentioned above, we would be happy to continue discussions with your client as we develop the detailed design.

If you agree, we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to ALCross@networkrail.co.uk quoting the reference number provided.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Bridgit Choo-Bennett', with a stylized, cursive script.

Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team
Network Rail

Encl.
Diversity Impact Assessment C07 No 37

