

Detailed design & compensation will  
not be known how can we tell

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NFU response to Network Rail (Cambridgeshire Level Crossing Reduction) Order - C11 – A Furlong Downham - Parish-Byway 33 Downham

We state below why the proposed new bridleway on our field and Mr Martin's should not be allowed. We have already given the reason of farm operation difficulties but below we list the reasons we think this proposal is illegal, unsafe, very costly and totally unnecessary.

The criteria for creating a new route is, that it offers an alternative route – the proposal does not, it is not even close to the railway level crossing that is proposed for closure. The proposed new bridleway would not connect to any other right of way, and would necessitate at least two new bridges to access it at each end. I have been told that to build a bridge which is wide enough for a bridleway would cost thousands of pounds, and there would be a need for two.

Byway 33 crosses the railway level crossing through gates and walkway over the rails that is not as wide and a foot path. At the moment to get on the crossing you have to walk over large loose stones, and if these do not cause you to fall, you then step up on to a wobbly, slippery walkway, this leads to another steep large loose stoned walkway to a small gate. It has been acknowledged in Network Rail's evidence, that vehicles and horses could not use this crossing, and only a very small number of walkers do, so it will not leave vehicle drivers and horse riders looking for an alternative route. See photos.

Network Rail state that there are two other safe railway crossings close by that can be used as an alternative way of getting across the railway. The proposed new bridleway does not provide a means of getting over the railway or connect back to Byway 33 at any point nor does it connect to any other bridle way, it would be a new and completely disconnected bridleway. The Highways are not seeking to put bridleways and footpaths on completely disconnected fields in the other cases of proposed railway crossing closures, and where an alternative route have been suggested, they have been connected to the particular Right of Way. If connectivity is important, then the alternative route from Byway 33 should begin at the crossing and go across fields that connect to it and connect directly to Byway 34, this is possible, and users would not be diverted onto the Highway which could involve going round a bend in the Highroad. I would point out though, that at the moment Byway 33 and 34 do not directly connect, they both have highways at each end. As there are two alternative rail crossings available, horse riders and walkers do not need to use the Highway with the bend in it, and therefore making a long walk around two fields is totally unnecessary. If the only purpose of making a bridleway is to avoid going around the bend in the Highroad if you are a horse rider, this could be achieved by making a much shorter bridleway around the back of the buildings built close the bend, it does not need the much longer route the Highways have requested. The Authorities are looking to make another long bridleway and not the shortest and easiest alternative route.

The only part of byway 33 that cannot be used will be the level crossing. Byway 33 starts from O Furlong Drove highway and leads directly to Main Drove Highway, roughly sliced in the middle by

the railway, IT DOES NOT CONNECT TO ANY OTHER RIGHT OF WAY. The byway <sup>could</sup> ~~is~~ still available for people to use even if the crossing is closed. They are proposing to have a 3 meter wide by 660meter long bridleway on a totally un-connected piece of land some distance from the railway crossing that will not connect to any other right of way, and will not get the public across the rail crossing. This proposed alternative route is to replace the 40/50 feet railway crossing that runs across the byway. The proposed new route around the fields, would be no longer than either one of the two halves of Byway 33, bisected by the railway. All of Byway 33 would still be available to the public other than a few feet across the railway, so there is no loss of this amenity.

The fields suggested for a new bridleway cannot be accessed from the highroad as suggested, without two bridges being built over the dykes. The fields have large deep drains running down their sides next to the suggested footpath and it would be dangerous to gallop horses next to them, particularly if large farm equipment or irrigation equipment was being used on the fields at the same time. Irrigation equipment and noisy pumps are not manned whilst in use, so would cause distress and frighten horses, and possibly wet passers by if the wind changed direction. Also we have been targeted by trespassers driving across our fields and threatening us, killing wild life and damaging the crops, we do not want multiple field entrances, as trespassers can more easily avoid the police, trespassers make easy access fields their first choice. The police are on alert in this area for this type of crime, as it is becoming dangerous, people have been shot at and had knives waved at them, and physically hit. These issues of criminal damage and physical threat against farmers, coupled with loss of income should be taken into account, when it is unnecessary to burden landowners with such problems, by creating a completely new bridle path. The Authorities have an obligation to keep historic rights of way open, but not to create new ones.

It has been acknowledged in the Network Railway evidence that Byway 33 is rarely used by walkers, and ~~never~~ by horse riders, and wheeled vehicles, they already use the two alternative railway crossings, and NO ONE has complained of having a problem with the existing available routes, which have been the only ones available for probably over forty years, and there has never been an accident involving walkers or horse riders using the road which the Highways Department has concerns over. In fact, there is an equestrian centre, riding school and stables about 400 yards from the 'dangerous bend' the Highways have concerns over, and the riders use the road in question without problems. As the new proposed route does not get users to the other side of the railway or connect to other existing rights of way, it does not meet the rules set out to create an alternative route as laid down by the Government. The Highway Department want to avoid a bend in the road for bridleway users, who are using the public highway, if this is allowed, it means that if they deem the road to be unsuitable for walkers and horse riders, they can divert this traffic off the road onto private property, there are a lot of bendy roads in the country this could apply to, and at the moment this would be illegal. This proposal is a land grab to create more recreational walkways in the country without a land owners agreement, or compensation. Only an alternative route that replaces Byway 33 should be considered, not making extra bridleways that would give walkers ect., more places to roam.

Please see maps and photographs which show how the proposal does not provide alternative route. Please stop this proposed bridleway being accepted.



## Network Rail – Evidence

As per Brunton Knowels letter dated 7/2/17 addressed to my husband Mr B Taylor, I will say at this point I have never had any official correspondence addressed to myself, although I own half of the land in question, to be used for a bridleway. They state that they began consultation with the general public and CCC in June, Sept & Oct 2016 and they warned him that the closure of the level crossing may affect his property and listed 4 possibilities. We were unaware of the public consultations that took place the year before, and do not understand why we were not notified sooner.

Network Rail stated it was unnecessary to create an alternative route as there was a two crossings close to the proposed closure that were already being used by walkers & horseriders, and they were the only alternative routes across the railway.

## Susan Tilbrook – Doc Ref NR32/2 Page 65 Map

This shows clearly that Byway 33 Downham begins from the highway and ends on the highway. The route from the end of the Byway 33 onto O Furlong Drove highway goes around Dunkirk corner and up to PROW 34 and at this point the public can leave the highway, or they can leave Byway 33 and go the other way on the highway and cross the railway near 3<sup>rd</sup> Drove, neither alternative has an off road option other than the grass verge. Both byway 33 and 34 have only ever been connected by the highroad, and without any accidents. What is being proposed bears no relation to the crossing closure and would be several fields away. A bridleway around our field and Mr Martins would still necessitate using the highway at both of its ends.

## Appendices of the ~proof of Evidence of Susan Tilbrook - R32/2 c11 A Furlong Drove Downham Byway 33 page 64

This does not mention the fact that two new bridges would be needed to get on and off the fields of Mr Taylor and Mr Martin. At a quick glance it shows a completely connecting PROW but it should be noted that the greater part of the walk is on the highroad or grass verges and has been this way since the highway was built over a century ago.

## Proof of Evidence of Susan Tilbrook Doc NR32/1 Page 34 C11 Furlong Drove

Byway 34 is mentioned as being the route to the underbridge pass of the railway north to Straight Furlong. The map M/s Tilbrook Appendices of the Proof of Evidence NR32/2 page 65 clearly shows the existing PROW using the highway. 2.8.8 Network Rail propose to extinguish the Byway 33 crossing and connect by 34 to the newly create bridleway which would run around Mr Taylors and Mr Martins fields, although it does not connect. The level crossing closure does not alter the route that has been in existence for years.

2.8.12 M/s Tilbrook says the users of the footpath Downham 22 would not benefit from the new additional length of bridge way 710m. This statement proves that the CC are improving their network of walks. The level crossing closure has no connection or relevance to footpath 22. And should not be a consideration.

*it states*

2.8.14 The alternative diversion maintains connectivity for the long distance routes. The level crossing closure does not alter their connectivity, they will could remain the same – connected by highway.

2.8.22 CCC Accident ~Invest Team thought the on road route is unsuitable for equestrians. This is the route they use at the moment. There is an equestrian centre, horse schooling and stabling just up the road and they use the highroad without any trouble. There would be large farm machinery and irrigation equipment on the fields that they propose to send horses on. This would also have a deep drain running down the new bridleway which would be dangerous for horses. The existing Byway 33 would still remain there for use and could be used for galloping. At the moment if a horse rider wanted to gallop the entire byway 33 they would have to stop halfway and dismount to cross the railway, so the amenity would still exist. It has been noted by Network Rail that no horse riders or bikers have objected to the closure or stated that they use the byway.

The new route would have to cross two drains which would mean two new bridges. Users would only be able to access it directly from the highway at both ends.. One of these ends near Pymoor Lane has a sharp bend with several warning signs around it, plus several trees and these would have to be moved. The signs need to be where they are now situated for the safety of drivers on the road, there is no other options <sup>to site them</sup>. Even if the trees were removed the grass verge is too narrow for a bridle way as depicted on the map.

The proposed new bridleway is an attempt at upgrading local walks. It is offering a PROW that physically connects to no other PROW. If connectivity is the CCC concern then the new PROW should run direct from the level crossing across the fields to Byway 34, this would cut off using the highway and the horses would have an uninterrupted gallop directly onto the next byway.

Should the Act that the Railway are using to extinguish this crossing be used in this way, because they are not offering a suitable alternative, nor is one necessary.

*Or upgrade the crossing*







