

DEPARTMENT FOR TRANSPORT 2012 Transport and Works Act 1992

Transport and Works (Applications and Objections Procedure) (England and Wales)

Rules 2006 Transport and Works (Inquiries Procedure) Rules 2004

Application for the proposed Network Rail (Cambridgeshire Level Crossing Reduction)
Order

Closing Submission by the National Farmers Union on behalf of its Members affected by
the proposed Level Crossing Closures

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1.0 Final Submission - General

1.1 The NFU has raised its concerns throughout the Inquiry over network Rail closing many of the crossings as highlighted in the Order for Cambridgeshire.

1.2 The main issue being that Network Rail have not consulted and negotiated with landowners in regard to the crossing closures and so have not fully understood the impact of closing crossings to private users with vehicles on farm businesses.

1.3 Further the NFU has highlighted that it is imperative that no footpath or bridleway should be diverted over agricultural land, taking that area of land out of production unless Network Rail can show that it is required. Throughout the Inquiry, the NFU believe that Network Rail have not been able to prove this for many of the proposed crossing closures.

1.4 The Secretary of State has stated in the statement of matters that he wishes to understand the likely impacts on landowners, tenants including the adverse impacts on their ability to carry on their businesses or undertake or access their properties.

1.5 It particularly it is stated under Section 5 (6) of the Transport and Works Act: An order under section 1 or 3 above shall not extinguish any public right of way over land unless the Secretary of State is satisfied,

- a) that an alternative right of way has been or will be provided , or
- b) that the provision of an alternative right of way is **not required**.

In many cases it has not been proven that a diverted footpath or bridleway is required.

2.0 Evidence in regard to Individual Crossings

2.1 Crossing: C11 Furlong Drove

2.1.1. Evidence was given by landowners Ivan Martin & Son and B.L. & G. H Taylor in regard to this crossing. It has clearly been highlighted by both landowners that they believe there is no requirement for a bridleway to be created and diverted across agricultural land as highlighted on the plan submitted with the Order dated January 2017. It is not necessary to create a 3m wide bridleway which will take agricultural land out of production. The proposed right of way will interfere with day to day agricultural operations and in particular to abstracting water from the drainage ditch which is used to irrigate the fields in question.

2.1.2 It is perfectly acceptable in this location for the right of way to continue up O Furlong Drove after crossing Third Drove and on to BW 34 without having to cross any agricultural land.

2.2 Crossing: C04 – No 20 – A P Burlton (Farms) Ltd

2.2.1 Evidence was given by the NFU on behalf of A P Burlton (Farms) Ltd in regard to this crossing. It was made clear that there is a bio security risk of creating and diverting the footpath over the field as highlighted on the plan dated January 2017 submitted with the Order. The footpath will run along the field edge and next to the turkey building. This houses 9000 turkeys. The footpath proposal would also interfere with future development of the turkey business. As once the footpath is created around the field edge it will be very difficult to have this footpath diverted again and at a cost to the landowner. It is also likely that if the footpath is site along the field boundary that planning permission would not be given for a new turkey building. This would have a massive adverse impact on the turkey business. Further the foot path has been diverted over two vehicle access routes to the commercial units. This is creating a safety issue.

2.2.2 A solution was provided of a perfectly acceptable route to divert and create the footpath along a field margin which runs alongside the concrete track. This would take pedestrians off the concrete track and away from any farm vehicles or HGVs using the access route.

2.2.3 The NFU strongly believes that this route far outweighs any concern of the public having to use the concrete track, any dust from vehicles is insignificant compared to the bio security risk to the turkey business and proximity to the railway line is not an acceptable issue which justifies creating a footpath on agricultural land.

2.3 Crossing: C14 Eastrea Cross Drove – Messrs M and N White and R J Dale

2.3.1 Evidence was given by the NFU on behalf of Mr M White in regard to this crossing. It was highlighted that it was not necessary to create a footpath as highlighted on the plan dated January 2017 as submitted with the Order over agricultural land as this diversion is not required. It is possible for any pedestrians walking on Cross Drove to walk on to FP 51 over Baileys Crossing and onto FP49 to reach Wype Road. It is then possible to reach Eastrea Village or Eastrea Crossing.

2.3.2 It was also highlighted that if the footpath has to be diverted from Eastrea Cross Drove then the footpath should be located on the land between the drainage channel and the railway line. It is perfectly accessible and there are no structures blocking a footpath being created. It is not acceptable to create a footpath on agricultural land when this strip of land is available for a footpath to be crated on.

2.3.3 it was made very clear that if the footpath is diverted and created on to agricultural land as highlighted on the plan then it should not be surfaced or engineered in anyway. It should be created as a normal edge of field footpath. Mr White has great concern that if it is surfaced then it will end up being used by vehicles.

2.3.4 Therefore due to concern over unauthorised access it was requested that if the footpath is created a gate must be erected or some form of barrier to stop the footpath being used as a bridleway.

2.3.5 Further it was confirmed that the IDB drain is cleaned out every 3 years and the arisings go on the field side.

2.3.6 The

2.4.0 Crossing: C27 Willow Row and Crossing C26 Poplar Drove

2.4.1. Mr Matt Murfitt gave evidence in regard to this crossing as the farmer affected by the proposals from Willow Row Farm. He highlighted how the farm is approximately 400 acres and is split in half by the railway line and C27 Willow Row crossing is used on a daily basis to run the farm operations. At harvest time the crossing is essential for the sugar beet harvest. Trailers carting sugar beet back to the farm run every 10 minutes and there can be 50 trailers a day. The economic impact to the farm business of trailers having to use C26 Poplar Drove has not been considered along with the extra time required to cart the sugar beet.

2.4.2. It is requested that private vehicle rights to use Willow Row Crossing are given to Mr Murfitt.

2.4.3 Further if Poplar Drove crossing was to be the only available crossing for vehicles then the proposed route running northwest of the railway line would need to be up graded and not just BOAT 31. This would need to be a condition if Willow row was closed.

2.4.4. The plan submitted with the Order dated January 2017 also highlighted a bridleway to be created and evidence was given by Mr Murfitt showing that this bridleway is not required and does not need to be created over agricultural land. It is possible for any bridleway users to ride along ten mile Drove, then along Poplar Drove to go over Poplar Drove Crossing to connect to the west side of the railway line. If the bridleway is created as presented at the present time this will be creating a circular route. A TWA does not give powers for betterment in regard to rights of way.

2.5 Crossings: CO2 Nairns, C33 Jack O'Tells, C34 Fysons

2.5.1 Evidence during the Inquiry was given by Jonathan Stiff the agent acting for F C Palmer & Sons. Following on from the statement made by Mr Turney on behalf of Network Rail it was made clear by Mr Stiff that the proposals would only be acceptable to F C Palmer & Sons if the crossing kept open is Jack O'Tells as the first option and Nairns as the second preferred option, with a fully automated barrier or half barrier and that the access required through the land that is currently occupied under a Farm Business Tenancy has been agreed. It was made clear that miniature stop lights did not provide enough safety at the crossing.

2.5.2 To date nothing has been heard from Network Rail or agreed further and so the Palmers request that the Inspector does not authorise the Secretary of State to close all three crossings as the powers seek and further that unless Network Rail can confirm that the access through the land currently under the Farm Business Tenancy has been agreed then all three crossings should remain

open. The access to reach land on a daily basis if all three crossings are closed is not acceptable or realistically workable to the farm business.