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Caroline O'Neill

From: Evans Denise <Denise.Evans@cambridgeshire.gov.uk> on behalf of Hughes Graham <Graham.Hughes@cambridgeshire.gov.uk>
Sent: 19 April 2017 11:17
To: TRANSPORTANDWORKSACT
Cc: Haggett Camilla; Atkins Mike; Smith Laurence
Subject: The Network Rail (Cambridgeshire Level Crossings Reduction) Order 2017
Attachments: 2017 04 19 Letter to NR_TWAO_Holding response.pdf; CCC Position Summary 19.04.2017.pdf; 2017 03 21 ALRCS - CCC formal response pre-TWAO.PDF

Importance: High

Good Morning

Please find attached a letter and documents from Graham Hughes with regard to The Network Rail (Cambridgeshire Level Crossings Reduction) Order 2017.

I will also send a hard copy by post today.

Kind Regards
Denise

Denise Evans

Personal Assistant to:

Graham Hughes, Executive Director: Economy, Transport & Environment and

Rachel Stopard, Interim City Deal Chief Executive

Cambridgeshire County Council

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Your ref:
Our ref: 20170419
Date: 19th April 2017
Contact: Mrs Camilla Rhodes
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Cambridgeshire
County Council

Economy, Transport & Environment
Executive Director, Graham Hughes

Secretary of State for Transport
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Shire Hall
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By Email and Post

Dear Sirs,

**Re: The Network Rail (Cambridgeshire Level Crossings Reduction) Order 2017
Cambridgeshire County Council holding response**

I write with reference to The Network Rail (Cambridgeshire Level Crossings Reduction) Order 2017 ('the Order'), deposited on 14th March 2017.

As explained in our letter of 21st March 2017, unfortunately Network Rail's timescale and period for formal representations coincides with the County Council's purdah period running up to elections on 4th May. This means that the County Council is not able to take a report to Committee and to Council for approval of its formal response to the Order until purdah is over. Consequently, on 21st February, our Highways and Community Infrastructure Committee ('HCI Committee'), delegated to me the authority, in consultation with the Chair of the Committee to make a holding response, pending its democratic process allowing a full response, in accordance with s239 Local Government Act 1972 and s4.7 of the Department for Transport's *A Guide to TWA Procedures*. I am therefore now writing to you accordingly.

In our letter of 21st March we advised that the County Council objected, as at 21st February, to nine of the 30 proposals currently in the scheme, and had holding objections to a further six. A copy of this letter is attached. I acknowledge that proposal C30 Westley Road has since been modified in the Order in line with the County Council's request, for which we are grateful.

I have consulted with Councillor Mac McGuire, the HCI Committee Chairman, and Cambridgeshire County Council hereby makes a **holding objection** to the Order on the same basis as the views cited in our letter of 21st March (with the exception of C30 Westley Road, to which the County Council is now unlikely to object), until such time as it is able to provide a full response through its democratic process. We anticipate this being in July 2017, after the County Council's Full Council has considered the objection and endorsed the Council's position at its meeting on 18th July.

The County Council's grounds for its objection are as follows:

Objection to eight of the proposals, as identified in the attached Appendix

- The alternative routes are unsatisfactory due to the lack of a safe alternative routes;
- The proposals would result in significant diminution of the connectivity of the ROW/highway network;

- The proposals would result in significant diminution of enjoyment for users;
- The proposals would significantly reduce access to green space for the physical and mental well-being of local communities;
- There would be an unreasonable increase in liability for the Highway Authority; and because
- There would be a significant impact on promoted routes.

Holding objections

In addition, the County Council makes holding objections to six of the proposals as identified in the attached Appendix, where information is still awaited to enable the Authority to fully evaluate the implications of the proposals, or where updated proposals have only been made available as part of the deposited Order, and so the County Council has similarly not yet had the opportunity to assess them.

The County Council's current position on each proposal and reason for its position is set out in brief in the attached Appendix.

The County Council anticipates requesting a public inquiry to be held to enable a full hearing of the case for each of the proposals to which it objects or has a holding objection.

I would be grateful if you would kindly acknowledge receipt of this letter.

Yours sincerely,



Graham Hughes
Executive Director, Economy Transport & Environment

Cc Richard Schofield, Route Managing Director Anglia Route
Nicholas Eddy, Network Rail
Isaac Adjei, Network Rail
Andrew Kenning, Network Rail
Steve Day, Network Rail
Jason Smith, Mott MacDonald

APPENDIX 1 - Summary of Cambridgeshire County Council Position as at 19.04.2017

Maps of Network Rail's proposals can be found at <http://www.networkrail.co.uk/anglialevelcrossings/>

| MM REF | NAME | HIGHWAY/PROW REF | PARISH | CCC POSITION | PROVISO/ACTION |
|--------|--------------------|--|------------|--------------|---|
| C04 | No Name No 20 | Meldreth FP10 | Meldreth | Object | Alternative option unsatisfactory as significant length on or adjacent busy road; less attractive; breaks connectivity of ROW network; discourages healthy activity; no known issues with crossing. |
| C08 | Ely North Junction | Ely FP11 | Ely | Object | Alternative option unsatisfactory unless width resolved |
| C11 | Furlong Drove | Downham BOAT 33 | Downham | Object | Insufficient mitigation for southern section of BOAT for all users. Upgrade of FP9 Downham should be to a BOAT to accommodate motorcyclists. Southern cul-de-sac should remain. |
| C20 | Leonards | Soham FP101 | Soham | Object | No need to close as no records of problems. Alternative option unsatisfactory as longer for majority of users; diminution in enjoyment as a result; impact on healthy activity. |
| C25 | Clayway | Littleport FP11 | Littleport | Object | Loss of valued route regularly used by health groups. Alternative option unsatisfactory as amounts to extinguishment as alternative simply on road. Significant diminution of enjoyment and impact on healthy activity in deprived area. Existing access could be improved. |
| C33 | Jack O'Tell | Private crossing - alternative affects FP16 & FP17, and public UCRs (Cross Drove and Long Drove) | Waterbeach | Object | Pending discussions concerning impact on local highway network and increased highway authority liability; diminution of enjoyment for NMUs |
| C34 | Fyson's | Private crossing - alternative affects Cross Drove and Long Drove UCRs | Waterbeach | Object | Pending discussions concerning impact on local highway network and increased highway authority liability |
| C35 | Ballast Pit | Private crossing - alternative route affects BOAT 14 Waterbeach, Long Drove and Cross Drove | Waterbeach | Object | Pending discussions concerning impact on local highway network and increased highway authority liability; diminution of enjoyment for NMUs |

APPENDIX 2

Actions/specific issues arising from HCI Committee decisions/discussions with users

C06 Barrington Road

With regard to C06 Barrington Road, CCC requests that NR works with the County Council and City Deal on the long term solution for the whole junction.

C09 Ely North (FP11 Ely)

CCC objects to this proposal as it stands due to the restricted width, but would accept the proposed diversion if an unobstructed width of 2 metres can be achieved throughout the length of the path in accordance with its diversions policy. It would then also be willing to retain the dead-end eastern section, provided that the extent to be retained is agreed with CCC and through consultation with local users.

C11 Furlong Drove (BOAT 33 Downham)

Discussions have been ongoing without final resolution on this proposal owing to CCC's concern over the lack of suitable alternatives for NMUs. In addition, CCC is aware that the Trail Riders Fellowship ('TRF'), a user group for leisure motorcyclists, are unhappy with the proposal as they have not been accommodated at all in the proposal. CCC considers that it would be reasonable for the BOAT to remain at that status to the north of the railway, and for proposed bridleway link to be upgraded to BOAT to retain connectivity for motorcyclists, with or without a Traffic Regulation Order ('TRO') over this section. The southern section could be retained as it is used by motorcyclists at present as a pleasant cul-de-sac. This matter arose too late to be included in the Committee report, and so officers would welcome further discussion with NR to agree a solution prior to any public inquiry.

C20 Leonard's, Soham (FP106 Soham)

CCC objects in principle to this proposal on the basis of the grounds that the alternative route is not a suitable replacement because:

- The majority of users travel from the south, making circular routes with South Horse Fen Common and the popular 'Wicken Walks'. People walk to the pub in Wicken to the south-west. The alternative route is two and a half times as long for these users (rising from 200m to 555m).
- Local opinion is that the enjoyment of these users would be significantly affected by the closure.
- NR has recently invested in the crossing with new gates, and the County Council has recently installed two new bridges, none of which could be reused on the new route. Closure would therefore represent a waste of resources at a time of scarce public resource.
- There are no recorded safety incidents. It is a long, straight stretch of line. The crossing is close enough to the Mill Drove road crossing that footpath users may be able to hear the automated warning sounds from the road crossing when a train is approaching.
- In addition, the Ramblers consider that the approach along FP114 would be unattractive, as it traverses a heavy clay field.

Should the Secretary of State allow the proposal, CCC would offer an alternative solution that would make the proposal more acceptable to the County Council and stakeholders.

C26 Poplar Drove & C27 Willow Row Drove (Littleport)

With regard to C26 Poplar Drove, CCC's position is without prejudice to the fact the route is recorded as a public unclassified road on highway records, and has been used by the public as such, and is maintained by the highway authority as such.

With regard to the proposal C27, CCC is aware that the Trail Riders Fellowship ('TRF'), an acknowledged user group, object to the closure of BOAT 30 as it provides them with access to an extensive byway network. As the proposal stands, they would lose access to this BOAT. It is therefore a reasonable position to request that the BOAT simply be diverted over the line of the proposed bridleway link, with a Traffic Regulation Order ('TRO') preventing 4x4 vehicles from using it. This would enable all NMUs and motorcyclists to use it. The TRF confirmed to CCC that this would mitigate their concerns sufficiently to withdraw their objection. The TRO would ensure that maintenance liability for CCC could be controlled, and that unauthorised access could be prevented to adjoining farmland. CCC would welcome further discussion on this proposal to agree the solution.

In addition, CCC has received a letter from the resident of The Bungalow adjacent to the Poplar Drove Crossing. The resident raises concerns about the safety of users of the crossing, as he has observed the gate being left open by private users on a regular basis. Under NR's proposal, the vehicular gate at the Poplar Drove crossing would be locked and access given only to registered key holders, with a bridlegate installed alongside to allow public access for non-motorised traffic and motorbikes. If Willow Row Drove crossing is closed to all users, this would generate additional agricultural traffic along Poplar Drove, which could pressurise non-motorised leisure traffic. It could also increase the incidence of the gate being left open, putting lives at risk, affecting other user journeys, and increasing the potential for collateral damage to The Bungalow, should a collision occur. Therefore, if this proposal is carried through, it sounds as if additional measures need to be undertaken to improve safety at the crossing. The County Council would request that NR responds to these concerns and mitigates them through additional safety measures.

C33 Jack O'Tell; C34 Fyson's; C35 Ballast Pit private crossings

CCC's position covers four private crossing proposals, of which it objects to these three on grounds of the detrimental impact to the highway network as a result. It is disappointed that it has not been possible to discuss these proposals with NR as yet, and would request a site meeting together with the landowners to move the matter forward.

Your ref:

Our ref: 20170321

Date: 21st March 2017

Contact: Cllr Mac McGuire

Direct Dial: 01223 699178

E Mail:

mac.mcguire@cambridgeshire.gov.uk



Cambridgeshire
County Council

Economy, Transport & Environment
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Richard Schofield
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Shire Hall
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By Email only

Dear Mr Schofield,

**Re: Network Rail - Anglia Level Crossings Reduction Strategy
Cambridgeshire County Council formal response pre-deposited Transport & Works
Act Order**

I am writing to provide Network Rail (NR) with Cambridgeshire County Council's ('CCC's) formal position on the Anglia Level Crossing scheme proposals following a report to its Highway & Community Infrastructure Committee ('Committee') on 21st February 2017. This report was based on NR's second Public Consultation in September and alterations of December 2016, following agreement with NR that it would be helpful for CCC to provide a formal position statement prior to the draft Transport & Works Act Order ('TWAo') being deposited.

A report had been presented to the December 2016 Committee meeting, but on the day of the meeting, NR issued changes to seven of the proposals as a 'public information update', and withdrew the C19 Wicken Road proposal. A further report on the seven schemes affected was therefore presented to the January meeting, but due to outstanding issues relating to proposal C20 Leonards (FP101 Soham), the item was deferred to enable alternative proposals to be explored further. This was done, resulting in the final report to Committee on the 21st February. Just before that meeting, NR withdrew proposal C06 Barrington Road. The Committee decision reflected that, and therefore this letter forms the approved position of CCC up to the 21st February.

It is recognised that NR published its draft Cambridgeshire TWAo on 14th March 2017. The County Council foresaw that NR's timescale and period for formal representations would, unfortunately, be likely to coincide with CCC's purdah period running up to elections on 4th May. This means that CCC is not able to take a report to Committee for approval of its formal response to the TWAo until purdah is over. Consequently, on 21st February Committee delegated to the Executive Director Economy Transport & Environment the authority to make a holding response, pending its democratic process allowing a full response, in accordance with s239 Local Government Act 1972. The County Council will therefore be writing to NR shortly with its holding response to the formal TWAo consultation. The full response is likely to be made in July 2017.

CCC welcomes the engagement that NR and its contractors have made with all stakeholders to work on the proposals, and the public consultations that have been undertaken. It is appreciated that, as at 21st February, four proposals had been removed from the scheme and that various changes have been made to other proposals as a result of the consultations. It is also noted that the C18 Muncey's proposal was withdrawn on 14th March 2017.

However, the County Council observes that, by seeking the changes to the highway network through a TWAO, NR have been able to avoid paying fees to the Council that would be associated with usual applications under the Highways Act. Officers have already spent in excess of 450 hours on the scheme, amounting to over £30,000 of officer time, adversely affecting the delivery of other work, whilst not being able to dedicate the usual attention that it would normally do to public path order proposals. The County Council already has an agreement with the Department for Transport to fund officer time spent working with Highways England on the delivery of the A14 road scheme. CCC considers it reasonable to request a similar agreement for the delivery of NR's TWAO in order to enable the Authority to recover its costs associated with NR's scheme. Please would you arrange a meeting with officers to discuss this, through Camilla Rhodes, Asset Manager – Information?

The County Council considered that the Diversity Impact Assessment Scoping Report (DIA) provided for the scheme was fundamentally flawed in a number of ways in respect of its duties under the Equalities Act 2010, which it set out in its letter of 9th November 2016. It welcomes Mott MacDonald's response of 15th December. It is noted that there are still areas of disagreement around methodology, but that there are also areas of acceptance. The County Council looks forward to receiving the detailed DIAs for review.

CCC's current position on the scheme is, in summary, as follows¹:

| CCC Position (including private crossings) | As at 21.02.2017 (No. of Crossings) | Including removal of C06 & C18 since Committee report |
|--|--|--|
| No objection | 15 | 15 |
| Holding objection (including one crossing in Newmarket, Suffolk) | 6 | 6 |
| Objection | 11 | 9 |
| TOTAL crossings | 32 | 30 |

CCC's current position on each individual crossing is set out in the attached Appendix 1. These are without prejudice to CCC's full formal response to the actual draft TWAO, and are also subject to ongoing negotiations and additional information that may come to light. Ideally, CCC would have been able to physically inspect all the proposed alternative routes, but officers are not able to do so without landowner consent, which would have required NR to arrange. Consequently, CCC reserves the right to change its position in light of additional information. This will also influence negotiations over commuted sums, on which CCC is writing to you separately.

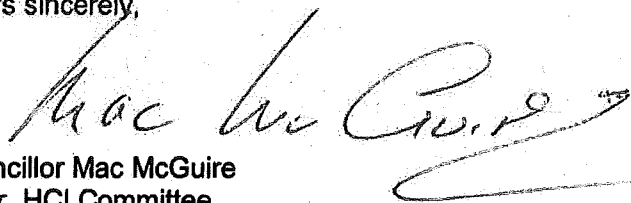
The key reasons for the County Council objecting to nine of the proposals include: lack of a safe alternative route; diminution of the connectivity of the ROW/highway network; diminution of enjoyment for users; reduction in access to green space for physical and mental well-being; unreasonable increase in liability for the Highway Authority; and a significant impact on promoted routes. Holding objections are being made where data, in particular flood event data, is awaited to enable CCC to fully evaluate proposals (namely C03 West River, Little Thetford FP3); C21 Newmarket Bridge, FP24 Ely; and C22 Wells Engine, FP23 Ely), and where negotiations over solutions are still ongoing. The County Council reserves its right to either withdraw these holding objections, or to make outright objections to these proposals. More detailed information as to CCC's position and actions requested in relation to issues that have arisen since the last meeting with NR on 16th December 2016 are set out in the attached Appendix 2.

CCC's position is that it intends to object to as many of the proposals as are unresolved by the time of the deposited order, and would seek a public inquiry to hear its case on those proposals.

¹ Please note that there was an error in the calculation in the officer report

Please would you acknowledge receipt of this letter and let us have any comments you may have on the points raised, in particular with regard to how CCC views the process for formal response to the TWAO in light of purdah coinciding with the formal period for representation.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mac McGuire', with a long, sweeping horizontal stroke at the end.

Councillor Mac McGuire
Chair, HCI Committee

Cc Nicholas Eddy, Network Rail
 Isaac Adjei, Network Rail
 Andrew Kenning, Network Rail
 Steve Day, Network Rail
 Jason Smith, Mott MacDonald

APPENDIX 1 - Summary of Cambridgeshire County Council Position as approved by HCI Committee 21.02.2017
Maps of Network Rail's proposals can be found at <http://www.networkrail.co.uk/anglialevelcrossings/>

| MM REF | NAME | HIGHWAY/PROW REF | PARISH | CCC POSITION | PROVISO/ACTION |
|--------|---------------------|--|-----------------------------|-------------------|---|
| C01 | Chittering | Waterbeach FP18 | Waterbeach | No objection | None provided proposal delivered in full |
| C02 | Nairs No. 117 | Private Crossing | Waterbeach | No objection | N/A- No highways affected |
| C03 | West River Bridge | Little Thetford FP7 | Little Thetford | Holding objection | Pending flood data and mitigation; required infrastructure must be installed; commuted sum agreed |
| C04 | No Name No 20 | Meldreth FP10 | Meldreth | Object | Alternative option unsatisfactory |
| C05 | Flambards | Proposal removed | Shepreth | N/A | N/A Proposal removed |
| C06 | Barrington Road | Highway (Barrington Road) - Bridleway crossing | Foxton | N/A | Proposal removed. Request for NR to work with CCC and City Deal on long term solution |
| C07 | No Name No. 37 | Harston FP4 | Harston | Holding objection | Pending outcome of solutions |
| C08 | Ely North Junction | Ely FP11 | Ely | Object | Alternative option unsatisfactory unless width resolved |
| C09 | Second Drove | Ely FP49 | Ely | No objection | Provided agreed solution delivered |
| C10 | Coffue Drove | Downham BOAT 44 | Downham | No objection | Provided required infrastructure delivered |
| C11 | Furlong Drove | Downham BOAT 33 | Downham | Object | Insufficient mitigation for southern section of BOAT for all users. Upgrade of FP9 Downham should be to a BOAT to accommodate motorcyclists. Southern cul-de-sac should remain. |
| C12 | Silt Drove | Public Highway (Silt Drove, March) | March | No objection | Provided bridleway access and private rights retained |
| C13 | Middle Drove | Public Highway Middle Drove (March) | March | No objection | Provided bridleway access rights retained |
| C14 | Eastrea Cross Drove | Whittlesey FP50 | Whittlesey | No objection | Provided agreed solution delivered |
| C15 | Brickyard Drove | Whittlesey FP48 | Whittlesey | No objection | Provided agreed solution delivered |
| C16 | Prickwillow 1 | Ely FP17 | Ely | No objection | Provided agreed solution delivered |
| C17 | Prickwillow 2 | Ely FP57 | Ely | No objection | Provided agreed solution delivered |
| C18 | Munceys | Fordham FP19 | Fordham | Object | Alternative options unsatisfactory |
| C19 | Wicken Road | Soham FP106 | Soham | N/A | N/A Proposal removed from scheme 05.12.2016 |
| C20 | Leonards | Soham FP101 | Soham | Object | No need to close. Alternative option unsatisfactory |
| C21 | Newmarket Bridge | Ely FP24 | Ely | Holding objection | Pending flood data and mitigation to enable analysis of proposal. |
| C22 | Wells Engine | Ely FP23 | Ely | Holding objection | Pending flood data and mitigation to enable analysis of proposal. |
| C23 | Adelaide | Ely FP49 | Ely | N/A | N/A Proposal removed |
| C24 | Cross Keys | Ely FP50 | Ely | No objection | Provided agreed solution delivered |
| C25 | Clayway | Littleport FP11 | Littleport | Object | Loss of valued route. Alternative option unsatisfactory |
| C26 | Poplar Drove No. 30 | Public Highway (Poplar Drove) | Littleport | No objection | Provided BOAT 30 diverted as a BOAT for C27 proposal, and that solution for Poplar Drove delivered |
| C27 | Willow Row Drove | Littleport BOAT 30 | Littleport | Holding objection | Agree with principle of solution but bridleway link needs to be BOAT status to accommodate motorcyclists, i.e. divert BOAT 30 |
| C28 | Black Horse Drove | Public Highway (Black Horse Drove) | Littleport | No objection | Provided all highway rights stopped up west of crossing and bus route resolved |
| C29 | Cassells | Brinkley FP1 | Brinkley | Holding objection | Provided Highways Development Management and engineering requirements can be met |
| C30 | Westley Road | Public Highway (Westley Road, Westley Waterless Road) | Westley Waterless; Brinkley | Object | Unless retain public access for all NMUs and motorcycles (2-wheeled vehicles), and private vehicular access for local estate. |
| C31 | Littleport station | Station Road | Littleport | No objection | Provided required infrastructure and flood mitigation delivered |
| C33 | Jack O'Tell | Private crossing - alternative affects FP16 & FP17, and public UCRs (Cross Drove and Long Drove) | Waterbeach | Object | Pending discussions concerning impact on local highway network |
| C34 | Fyson's | Private crossing - alternative affects Cross Drove and Long Drove UCRs | Waterbeach | Object | Pending discussions concerning impact on local highway network |
| C35 | Ballast Pit | Private crossing - alternative route affects BOAT 14 Waterbeach, Long Drove and Cross Drove | Waterbeach | Object | Pending discussions concerning impact on local highway network |
| S22 | Weatherby's | Private crossing. All users diverted to use Cheveley Road underbridge, along footways alongside Cricket Field Road, New Cheveley Road and Granary Road | Newmarket, Suffolk | Holding objection | CCC would support the ongoing negotiations to resolve the matter and enable continued access for users. |

