

From: Simon Clewlow (Clewlow Consulting) <simon@clewlowconsulting.com>
Sent: 25 April 2017 12:59
To: TRANSPORTANDWORKSACT
Subject: Network Rail Cambridgeshire Level Crossing Reduction Order

Secretary of State for Transport
c/o Transport and Works Act Orders Unit
General Counsel's Office
Department for Transport
Zone 1/18
Great Minster House
33 Horseferry Road
London SW1P 4DR

25th April 2017

Dear Secretary of State

My name is Simon Clewlow of Clewlow Consulting Limited (see address and contact details below) and in respect of 'The Network Rail (Cambridgeshire Level Crossing Reduction) Order' (the "Proposed Order") I represent Mr John Sinclair Martin, Mr Joseph James Martin, Mr Brian Harold Sanders, Mr Alan Kenneth Shipp and Aquila Investments Limited ("Aquila") as well as RLW Estates Limited, in which all the named individuals and Aquila have an interest, and Brian Sanders (trading as H Sanders and Sons). These parties are variously affected by the Proposed Order as detailed in the Book of Reference.

None of the above have an objection in principle to the Proposed Order as each party supports the aims of the Proposed Order as set in the Statement of Aims and recognises that the benefits of the Proposed Order will be to improve rail-related safety, create the conditions for a more efficient and reliable railway, reduce costs and delays and, in particular, facilitate capacity and speed increases to achieve future improvements on the network. The parties I represent have interests in the Proposed Order as it affects Level Crossings references C01 Chittering, C33 Jack O'Tell, C34 Fysons and C35 Ballast Pit. Notwithstanding the support in principle stated above, the parties I represent wish to comment in specific terms about aspects of the Proposed Order and how it may be implemented.

The issue which is concerning the parties and which does not appear to have been taken into account in preparing the alternative access arrangements is that of agricultural security, i.e., the risk that the alternative routes will facilitate access to parts of farmholdings for which the railway and the present level crossings are an effective means of securing the isolation of fields thereby preventing anti-social activities such as fly-tipping or crop damage. In respect of the proposed alternative access arrangements for C01 Chittering, C33 Jack O'Tell and C34 Fysons level crossings this issue is of less concern since the changes only affect footpaths, however the alternative access arrangements for C35 Ballast Pit crossing introduce a new vehicular route across fields currently largely inaccessible other than via the existing level crossing.

Whilst it is proposed that the new vehicular route will only have a private right of access along it to serve the fishing lakes alongside the western side of the railway, the effect of the Proposed Order will be to provide an open 290m long track from Bannold Drove, a public right of way which is Byway Open to All Traffic, in an isolated location over which there is no natural surveillance. It can therefore be anticipated that despite there only being a private right of way to the owner of the fishing lake, the existence of the track may mean that others seek to make use of the track for other purposes at certain times when awareness of such use is unlikely.

In order to resolve the issue of security for the fields to the west of the railway and east of Bannold Drove it appears that there are two potential solutions which it is urged should be considered before making the Proposed Order.

Firstly, the scheme for the alternative route could include appropriate fencing and a gate which can be secured in the vicinity of the proposed junction between the proposed track and Bannold Drove. Use of the gate would be restricted to keyholders, namely the parties on behalf of whom this representation is made together with the owner of the fishing lakes. The security of the fields would however depend upon the gate remaining secured and keys remaining in the possession of those above. Because the fishing lakes could be used by a variety of people at various times there is the prospect of the security offered by a gate in this location being compromised.

As an alternative to the inclusion of a gate, the need for the private rights of access from Bannold Drove to the fishing lakes and construction of the associated track could be avoided. This could be achieved by Network Rail Infrastructure Limited (NRIL) offering to purchase the fishing lakes from their present owner based on the amount of compensation that would be due as a result of the level crossing closure together with an assessment of the fishing lakes as a going concern and in turn selling the fishing lakes to RLW Estates Limited on commercial terms. In so doing RLW Estates Limited would waive its rights to an alternative means of access and private rights over that access such that NRIL would avoid the cost of forming the alternative access and of making the Proposed Order in respect of C35 Ballast Pit crossing other than for its closure.

In summary in respect of the means of dealing with the closure of C35 Ballast Pit crossing, the alternative approach outlined above would appear to be of more benefit to NRIL and would maintain the security of the fields to the west of the railway.

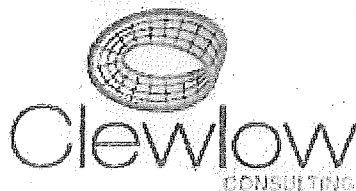
I hope that the above representation on behalf of the parties referred to in the first paragraph above is of assistance and I look forward to receiving acknowledgement in due course. It is understood that any matters relating to compensation for loss of use of the crossings in the event of their closure will be dealt with through separate representations to those above.

Regards

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