Agenda Item No:

UPDATE ON CHANGES TO THE ANGLIA LEVEL CROSSING REDUCTION STRATEGY – CAMBRIDGESHIRE COUNTY COUNCIL FORMAL RESPONSE

To:	**Highways and Community Infrastructure Committee**
Meeting Date:	**17th January 2017**
From:	**Camilla Rhodes, Assets Manager - Information**
Electoral division(s):	**Ely East, Ely North, Ely South, Ely West, Fordham Villages, Littleport, Meldreth/Foxton, Soham East, Soham North**
Forward Plan ref:	**For key decisions** *Key decision:* **No**
Purpose:	**To seek approval of the County Council's formal response to updated proposals for 7 of Network Rail's level crossing proposals as part of its Anglia Level Crossing Reduction Strategy, and to note potential biodiversity implications**
Recommendation:	**The Committee is asked to:** **a) Approve the County Council's proposed response to Network Rail's proposals with regard to C09 Second Drove and C24 Cross Keys, Ely, and C26 Poplar Drove and C27 Willow Row Drove Littleport in accordance with the recommendations at 2.3-2.5 of the report** **b) Approve the recommendation that the County Council objects to the proposal for crossing C06 Barrington Road, Foxton, and requests that NR works with the County Council and City Deal on the long term solution for the whole junction (section 2.7 of the report)** **c) (i) Approve the recommendation to object to proposal C08 Ely North as it stands.** **(ii) Accept the proposed diversion if an unobstructed width of 2m can be achieved throughout the length of the path, and retain the dead-end eastern section (extent to be agreed through local consultation) (section 2.8-2.10 of the report).** **d) Approve the County Council's proposed position with regard to crossing C20 Leonards, FP101 Soham (section 2.12-2.13 of the report.** **e) Note the concerns at section 2.14 regarding the lack of consultation over ecological interests and the potential implications to the County Council through its duty to have regard to biodiversity, and for certain proposals in the scheme**

	Officer contact:
Name:	Camilla Rhodes
Post:	Asset Manager – Information
Email:	Camilla.haggett@cambridgeshire.gov.uk
Tel:	01223 715621

1. BACKGROUND

1.1 A paper was taken to the 7th December 2016 HCI Committee meeting regarding Network Rail's (NR) major project to close or downgrade a number of public rights of way (PROW) and road level crossings across the Anglia region, and specifically in Cambridgeshire, to be achieved through a Transport & Works Act order ('TWAO'). The application for the TWAO is to be submitted in February 2017. The recommendations of the paper were approved unanimously. A copy of the paper is at Appendix 1.

1.2 On the day of the meeting, Network Rail issued changes to seven of the proposals as a 'public information update', and withdrew one entirely from the scheme. The updated proposals are available online at http://www.networkrail.co.uk/anglialevelcrossings/

1.3 Officers have undertaken further consultation with local members and other interested parties, and Network Rail held a public meeting on 14th December on the C06 Barrington Road, Foxton crossing. This paper now seeks approval of the Committee to the proposed formal position of the County Council on the modified proposals for these seven crossings, which are detailed below.

2. MAIN ISSUES

2.1 The County Council remains supportive in general of Network Rail's desire, where possible to close level crossings across the region. However, it must balance wider strategic transport objectives with its own strategic objectives, including its duty to keep users of the highway network safe; to enable healthy and sustainable communities; to support vulnerable individuals; and to minimise its own future asset liability.

2.2 The County Council welcomes the removal of C19 Wicken Road, Soham from the scheme, which resolves significant concerns for the local community.

2.3 <u>C09 Second Drove, FP49 Ely and C24 Cross Keys, FP50 Ely</u>
Users, councillors and officers are satisfied that the additional footpath link solution for the C09 Second Drove and C24 Cross Keys, Ely proposals now sufficiently mitigates the loss represented by closure of the two crossings. It is therefore proposed that the County Council withdraw its holding objection, provided that the solution is fully delivered and maintenance liability concerns over the use of an agricultural underpass are resolved.

2.4 <u>C26 Poplar Drove (UCR) and C27 Willow Row Drove, BOAT 30 Littleport</u>
Similarly, the new proposal for C26 Poplar Drove and C27 Willow Row Drove, Littleport, mitigates the impact of the closure of C27 on public users and the local community by retaining circular leisure routes and through-access for all non-motorised users ('NMUs') and motorbikes. Future maintenance liability for the Authority would also be mitigated by retaining the crossing over the tarmacked route rather than the heavily rutted soft byway. The British Horse Society supports the proposal; the view of the Trail Riders Fellowship is not known. It is proposed that the County Council withdraws its objection, on the proviso that the scheme is delivered in full.

2.5 The County Council is aware that there is a significant impact on private users and the landowner. Should the outcome of NR's negotiations with these parties result in a change to the current proposal, the County Council will reassert its objection and further negotiations will be required.

2.5 <u>C06 Barrington Road, Foxton</u>
It is understood that the gate is a safety concern because it is not interlocked with the level crossing barriers, and its unusual design makes it an expensive asset to maintain. The proposed scheme will cost approximately £1m. The County Council acknowledges that NR has worked to improve this proposal. However, it appears that the only benefit to highway users would be for confident cyclists, with the introduction of an on-road two-way cycle track over the crossing. Non-motorised user ('NMU') movements between Barrington and Foxton would not be resolved, and there is a view locally that the current gate is still the safest passage. Significant road safety and technical issues have been raised by the County Council's Accident Investigation team following an initial review (full safety audits are still required). In addition, the proposal does not resolve congestion and misuse

problems arising from the significant downtime of the barriers, which will worsen with an increase from four to six passenger trains an hour in each direction in 2018.

2.6 All parties (NR, the County Council, parish councils, councillors and City Deal Executive Board) acknowledge that there is a wider long-term issue to replace the crossing with an overbridge, and it has been addressed in NR's own feasibility study. NR states that this proposal will not prevent the long-term goal from being taken forward. However, there is concern that this is a disproportionate and expensive solution that diverts resources from resolving the ultimate solution to the junction.

2.7 Given the complexity and potential implications of the proposal, it is proposed that the County Council:

- Objects to it on grounds that the proposal achieves little public benefit, inconveniences non-motorised users travelling to and from Barrington
- Requests that NR works with the County Council and City Deal to put the effort and resources into developing and bringing forward the permanent long term solution

2.8 <u>C08 Ely North – FP11 Ely</u>

This proposal is significantly improved, as it reduces on-road walking, the length of diversion and the impact on enjoyment. However, the proposed width of 1.5m for the northernmost section does not comply with the County Council's adopted policy for diverted paths, which is an unobstructed 2m. Fencing means that maintenance would be constrained, costing the Authority more. The proposal achieves 20% on the County Council's emerging NMU scoring criteria for diverted paths (threshold is 70%). NR has agreed to review the design to see if the width can be achieved.

2.9 In addition, it is proposed to retain a dead-end section of the existing path on the basis of requests from the public that it has local ecological and historical interest, and is used for dog walks. This would result in the County Council taking on more overall liability, but the value to the local community should also be recognised.

2.10 It is therefore recommended that:

1. The County Council objects to the proposal as it stands.
2. Should the width issue be resolved, the County Council will withdraw its objection. It is proposed that the County Council agrees to retain the dead-end eastern section, the extent to be agreed on the basis of consultation with local Members and users.

2.11 <u>C20 Leonards, FP101 Soham</u>

The proposal presented for consultation in June 2016 was unsatisfactory, and the County Council resolved on 7th December to make a holding objection to the proposal pending ongoing negotiations. A revised proposal was put forward by a local resident familiar with the rights of way network in the parish, who formerly served on the Soham Town Footpaths Society at the September 2016 public consultation. NR have taken the suggestion on board and have amended the proposal accordingly.

2.12 County Council officers recognise that the revised proposal significantly reduces the amount of on-road walking from the previous scheme, and that it also resolves a long-standing obstruction on the connecting FP114 Soham with a short field-edge diversion. This would be of benefit to the local community, as it would enable additional circular walks, and it would benefit the Authority as it saves the cost of resolving the obstruction. The proposal now passes the County Council's emerging NMU scoring criteria for proposed diversions at 85% (threshold is 70%; the previous iteration only scored 40%). It would also pass the legal tests for an ordinary diversion application. It is therefore officers' recommendation that the County Council's objection to the proposal should be withdrawn, on the proviso that the scheme is delivered in full.

2.13 However, the local County Councillor, James Palmer, representing his own views and those of some local residents, objects to the closure. He is of the view that the crossing should remain, as there are no recorded safety issues or other reasons for closing the crossing except to reduce Network Rail's asset liability. It is understood that the Town Council, the East Cambs Ramblers' Association and the local Open Spaces Society representative also object to the proposal.

2.14 Biodiversity duty

The County Council has been consulted by Department for Transport on NR's Screening for its Environmental Impact Assessment. Officers are concerned that there has been no consideration of the impact on County or local wildlife sites, habitats or species. Of particular concern is work proposed within or immediately adjacent to River Great Ouse County Wildlife Site (C03, C21, C22, C24 & C25), Chettisham Meadows County Wildlife Site (C10) and River Lark and Associated Habitat County Wildlife Site (C16 & C17). The County Council has asked NR to do this and is awaiting a response. It is possible that the outcome could affect these proposals, although it is unlikely to change the County Council's overall position.

2.15 Table 1 below is a summary of the County Council's revised overall proposed position as a result of the changes to NR's proposals. This shows a reduction in the Authority's objections.

CCC Position	**As at 10.11.2016 (No. of Crossings)**	**As at 16.12.2016 (No. of Crossings)**
No objection	12	16
Holding objection (including one crossing in Newmarket, Suffolk)	10	7
Objection	11	9
TOTAL crossings	**33**	**32**

2.16 Appendix 2 summarises the proposed position of the County Council on each of the 32 crossings still in the scheme. The updated proposals covered in this paper are highlighted in bold. Officers will continue to work with NR on the resolution of the outstanding objections where possible, but it is likely that some objections will remain by the time of the formal consultation on the draft TWAO.

3. ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

There are no overall significant implications for this priority. However, the proposal for C06 Barrington Road, Foxton could have significant economic implications for the Cambridge sub-region, as set out at sections 2.5-2.7 above.

3.2 Helping people live healthy and independent lives

There are no overall significant implications for this priority. However, the crossing proposal at C06 Barrington Road Foxton and at C08 Ely North (FP11 Ely) could have significant implications in those areas. Closure of these routes could limit the scope for people to live healthily and independently. Solutions must recognise the importance of these routes in engendering the physical and mental well-being of the local community through access to the wider network and areas of common land.

3.3 Supporting and protecting vulnerable people

There are no overall significant implications for this priority. However, some individual crossing proposals could have significant implications in those areas. The County Council has made a detailed response to NR's DIA concerning this, as noted in the December 2016 HCI Committee Report at 2.4 in Appendix 1.

4. SIGNIFICANT IMPLICATIONS

- Resource Implications: There are no significant implications within this category.
- Statutory, Legal and Risk: There are no significant implications within this category. However, as a whole the TWAO will have a significant effect, as it will permanently alter the local highway network. This will also affect the Authority's maintenance liability, and its duty to keep highway users safe, as highlighted at sections 2.5-2.7 above with regard to the Foxton crossing.
- Equality and Diversity: There are no significant implications within this category. However, the points at 3.2-3.3 above should be noted.

- Engagement and Communications: There are no significant implications in this category. As discussed at section 1 of the report at Appendix 1, NR are managing the consultation process for the TWAO. The timeline can be seen on their website at http://www.networkrail.co.uk/anglialevelcrossings/ However, officers are engaging with members, district councils, parish councils and user groups at each stage to ensure that they are aware and have opportunity to reflect local opinion.
- Localism and Local Member Involvement: There are no significant implications within this category. However, there are some implications for local communities with regard to C06 Foxton and C08 Second Drove Ely, but these have been mitigated through engagement with members and local communities. There is a difference of opinion between officers and the local member, Soham Town Council and the East Cambridgeshire Ramblers' Group on C20 Leonards, Soham.
- Public Health: There are no significant implications within this category. However, the points at 3.1-3.3 above should be noted.

Implications	**Officer Clearance**
Have the resource implications been cleared by Finance?	Yes Name of Financial Officer: Sarah Heywood
Has the impact on Statutory, Legal and Risk implications been cleared by LGSS Law?	Yes Name of Legal Officer: Fiona McMillan Head of Districts and Planning LGSS Law Limited
Are there any Equality and Diversity implications?	Yes (no implications) Name of Officer: Tamar Oviatt-Ham
Have any engagement and communication implications been cleared by Communications?	Yes Name of Officer: Mark Miller
Are there any Localism and Local Member involvement issues?	Yes (no issues) Name of Officer: Tamar Oviatt-Ham
Have any Public Health implications been cleared by Public Health	Yes Name of Officer: Iain Green

SOURCE DOCUMENTS GUIDANCE

Source Documents	**Location**
Network Rail proposals including maps	http://www.networkrail.co.uk/anglialevelcrossings/
Cambridgeshire Rights of Way & Improvement Plan	http://www.cambridgeshire.gov.uk/info/20006/travel_roads_and_parking/66/transport_plans_and_policies
Cambridgeshire Health & Well Being Strategy	http://www.cambridgeshire.gov.uk/info/20004/health_and_keeping_well/548/cambridgeshire_health_and_wellbeing_board