

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

Statement of Case is submitted by the National Farmers Union on behalf of its Members
affected by the proposed Level Crossing Closures

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1 General Introduction

1.1 On 14 March 2017, Network Rail (NR) deposited to the Secretary of State for Transport to make the proposed Network Rail (Cambridgeshire Level Crossing Reduction Order) under the Transport and Works Act 1992.

1.2 The Transport and Works Act Order (TWAO) application [APP 2 – APP 10] was made in accordance with the procedure contained in the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. It has been given reference TWA/17/APP/03/OBJ/43 by the Department for Transport (DfT).

1.3 The Order, if made, would confer upon Network Rail the powers necessary to close or change the use of and down grade certain level crossings across Cambridgeshire. In relation to these closures or downgrades the Order authorises the carrying out of works including the removal of the crossings and the diversion or re designation of the status of certain public roads, footpaths, bridleways, restricted byways or byways open to all traffic and the creation of new rights of way. The Order also authorises the construction of footbridges and a bridleway bridge to carry new public rights of way over drains or watercourses. The Order would permit Network Rail to acquire land and interests in land in connection with the construction of the scheduled and authorised works to be authorised by the Order.

1.4 It is the closures of the crossings, diversions of the public footpaths and bridleways and the permitting of Network rail to acquire land and interests in land that affects our members.

2 Purpose of this Statement of Case

2.1 This statement of case has been prepared by the NFU on behalf of its Farmer and Grower members affected by the proposals of the Order as stated above.

2.2 This Statement of Case sets out the particulars of the NFU's case on behalf of its members for objecting to the Order as will be put forward by Network Rail.

2.3 The crossings which are proposed to be closed and have rights of way diverted are highlighted on the plan at appendix 1. This list has been taken from Network Rail website. The NFU members affected by the proposals and the crossings relating to each farm business are highlighted below:

2.4 Landowner/occupier

A P Burlton (Farms) Ltd

Ivan Martin & Son

B.L & G.H Taylor

Mr and Mrs Alerton

Messrs M and N White

R.J Dale

Matthew Murfitt

F C Palmer & Sons

Six Mile Bottom Farms LLP

Crossings

Crossing CO4 –No 20

Crossing C11 – Furlong Drive

Crossing C11 – Furlong Drive

Crossing C13 – Middle Drive

Crossing C14 – Eastrea Cross Drive

Crossing C14 – Eastrea Cross Drive

Crossing C26 - Poplar Drive

Crossing C01 - Chittering

Crossing C02 - Nairns

Crossing C33 - Jack O Tell

Crossing C34 - Fysons

Crossing C30 – Westley Road

3.0 Background – NFU Responses to Network Rail Consultations

3.1 Network Rail (NR) has highlighted in its current proposals on their website under the heading of “Anglia Level Crossing Proposals” that NR did undertake public consultations in June 2016, a second round in September/October 2016 and a third round in December 2016. The NFU responded on behalf of its members affected in total 21 members affected by the proposed closures in Cambridgeshire) to these consultations.

3.2 The NFU in the first response dated 4th July 2016 highlighted that consultation between landowners and occupiers and Hamer Associates (the agents acting for NR) had taken place and requested that it continued. It also stated how important the crossings are to members’ farm businesses allowing access to their land on a timely basis. Further specific concerns over certain crossings were highlighted as the NFU believed that landowners and occupiers concerns were not being listened to. Concerns included the affect certain closures would have on some farm businesses due to time and cost of farm vehicles using new proposed routes. Further that new rights of way including footpaths and bridleways had been shown to be created on arable land.

3.3 The NFU submitted a response to the second and third consultation and raised its concerns over the real driver for the closing of the crossings by NR, as it was felt that the closures proposed are to reduce the maintenance costs incurred by NR and for their convenience.

3.4 The response highlighted how the amended proposals by NR for each crossing were only published on the day of the relevant consultation event and so farmers had no time to consider the effect of the proposals on their business. They were not able to take any advice from their professional advisers and so were unable to raise considered concerns with NR representatives at the public events.

3.5 The response also highlighted concerns over the accuracy of the data in regard to usage of each crossing and that due to the very brief survey of the crossings mostly carried out over a weekend and a Monday that this could not give an accurate usage figure for the annual use of the crossings by vehicles or pedestrians.

3.6 The NFU has been concerned throughout the consultations that NR have not considered the full impact of closing some of the crossings will have on some farm businesses or the effect of some of the diversions of proposed rights of way. The response highlighted how it is unacceptable to compulsory close a right of access which may be a private right of use with vehicles without providing a suitable cost effective alternative access to the farm businesses affected. It is felt that NR have not considered the full economic implications of closing the crossings to farm businesses from business interruption and loss of business in both the short and long term.

3.7 It is seen that there will be economic gain to NR by closing the crossings proposed.

3.8 A response was submitted to the proposed orders submitted by network rail on 25 April 2017. The primary concerns were highlighted as follows:

- Closure of level crossings will compromise access to agricultural land by farm businesses, their employees and contractors. This concern is brought in part by a lack of clarity and transparency on the impact of these changes on private access.
- The economic impact to farm businesses, caused by the proposed closures to the crossings, has currently been completely underestimated.
- There are proposals to considerably increase the length of the rights of way network running across agricultural land through the creation, diversion or extinguishment of rights of way. This is an economic impact to agricultural holdings.
- Once a crossing is closed, it is unlikely to be re-opened thus future opportunities for land use, development and neighbouring property may be restricted.
- The specific concerns raised by our members have been highlighted in the attached table. This shows how many unanswered queries remain.

3.9 Two of the main NFU Asks in the response where as follows:

3.9.1. The NFU recognises Network Rail's aims to improve safety on the network and increase the quality of service provided to its customers through a higher-speed rail network. However, the NFU's preferred option is:

- For other solutions to be considered before the closure or downgrading of level crossings which we believe have not been fully considered up until this point. This includes the use of lights, barriers, GPS, tunnels and bridges.
- For greater consideration to be given to farmer and landowner response in this and previous stages of the consultation process. Only through this full engagement with landowners and other interested parties at an individual or local level can compromise arrangements be made to improve Network Rail's assets whilst not disadvantaging agricultural businesses and rural communities.

3.9.2 For the direct effects of closing and downgrading level crossings, including economic, logistical and safety implications, to be fully considered. Forcing agricultural machinery to take longer routes, often using longer stretches of public road, can have great impacts on the farm business, their contractors and the rural community and we believe this has not yet been taken into full consideration.

3.10 Individual member concerns and issues were submitted with the response in regard to an individual business and specific crossing. Please see all NFU responses to the consultations at Appendix 2.

4 Communication and Consultation by Network Rail and Agents Acting

4.1 The NFU from the first response submitted to consultations on 4 July 2016 highlighted that the consultation between landowners and farmers with Network Rail and their agents acting (Hamer Associates at the time) continued. Our members have highlighted that were one to one meetings did take place back in 2016 with Hamer Associates it was thought there had been a reasonable understanding of the issues affecting farm businesses by the closure or proposed changes to the rights of way. Further the NFU had three meetings with Hamer Associates 26 October 2015, 28 April 2016 and 22 September 2016 with updates provided to the NFU on the progress of the project. This also enabled NFU to raise member issues.

4.2 At the end of 2016 Bruton Knowles took over as acting agents for Network Rail. Very few one to one on site farm meetings have been carried out by Bruton Knowles or Network Rail to understand the issues faced by closing some of the level crossings or creating new diverted footpaths or bridleways along productive arable land. It is apparent that most of the issues that our members raised in meetings with Hamer Associates and ourselves, have not been considered and the orders have been submitted with proposals that do not take into account issues raised over the last twelve months.

4.3 The communication and consultations carried out with our NFU members has not been at all satisfactory. Some of our members have had no contact at all with no explanation as to why certain proposals have been made.

4.4 The NFU regional office tried to organise a meeting with Bruton Knowles on the 28 February 2017 but that morning the agent Andrew Prowse cancelled stating that he had to be in London. An alternative meeting date was requested but Bruton Knowles did not feel that this was necessary and that the NFU should just refer to the website for the current situation of each level crossing. Due to the questions and issues raised in regard to the closure of the crossings the NFU would have expected Network Rail or their agents to be requesting a meeting to solve the outstanding issues.

4.5 The NFU tried again to hold a meeting with Bruton Knowles and an email was sent on 5th April 2017 there was no direct reply from Bruton Knowles but contact was made direct from Network Rail on 13 April 2017 requesting information on the individual member queries. A copy of the NFU response was sent to Jonathan Boulton at Network Rail and the NFU was informed that we would receive a response. This as yet has not been received but a further meeting has been requested by Network Rail to discuss our member queries which only came through on 14 June 2017.

4.6 The NFU believes strongly that Network Rail and the agents acting on their behalf have not been constructively engaging with landowners and farmers affected by the proposed level crossings or the NFU representing our affected members. Please see emails sent to Bruton Knowles and Network Rail at Appendix 3.

5.0 Existing use of the Crossings and the effect of the proposals

5.1 Details below are highlighted for individual NFU farming members who are directly affected by the proposed order to close specific level crossings in Cambridgeshire.

A P Burlton (Farms) Ltd, Valley Farm, Meldreth -**Crossing C04 – No 20****Present Use**

The crossing is presently used as a public footpath crossing.

The Proposal

The proposal by NR is to close the level crossing to all users and divert the footpath.

A proposal was first made in June 2016 of a new diverted route. Further to consultation on this route, a second proposal was put forward by NR in September 2016 which highlights a proposed new route in red, along our NFU members land highlighted in orange along an existing right of way. This was further amended and the final NR map deposited dated Jan 2017 highlights the new route in red along Mr Burlton's land, along an existing track in orange and a further new right highlighted in red. Please see all the plans at Appendix 4 marked to A to C.

During consultation with NR and their agents, Mr Burlton did raise concerns over the first proposal for the footpath to be diverted along an existing track which is used by agricultural machinery. Without any notification or consultation, the second proposal was highlighted in September now showing the new footpath to be diverted over Mr Burlton land and running alongside an existing poultry unit. This new proposal would create a bio security risk to the poultry unit due to its proposed close proximity to the poultry building. There are further issues with the new proposed route crossing existing access points to the commercial units on the farm holding. There would be a health and safety issue for the public when crossing the existing access points from the traffic generated by the commercial units and farm vehicles and machinery using the access routes.

Solution

Mr Burlton would like to propose that the footpath is diverted back along the existing track as highlighted on the original map A and is diverted up some steps to the existing footway. This then avoids creating a bio security risk around the poultry unit and avoids the new footpath having to cross over two vehicle access points. Further it avoids creating a new right of way across private land which is not necessary. Please see map D at Appendix 4.

Rights Created

The latest written information highlights that a permanent right is to be created No.5 but no information on this right has ever been discussed with Mr Burlton. Before this right is approved written information must be sent to Mr Burlton to consider.

Ivan Martin & Son, Honey Hill, Pymoor – Crossing C11 Furlong Drove

B.L & G.H Taylor, Willow Farm, Pymoor - Crossing C11 Furlong Drove

Present Use

The crossing is presently used as a public footpath crossing.

The Proposal

The proposal by NR is to close the level crossing to all users and divert the footpath. To then create a new right of way which would be a bridleway along Mr Martin's field boundary before crossing into Mr Taylor's field. Further to create a wooden bridge to cross an Internal Drainage Board drain. The explanation for this by NR is to reduce road walking and the new right of way would connect A Furlong Drove and Byway 34.

The Issues

The proposal will create a new bridleway 3m wide on private land alongside two field boundaries and an Internal Drainage Board (IDB) ditch. The field in question is in arable rotation and the IDB drain provides irrigation for the arable crops on the field. The first proposal was to create a footpath as highlighted on the map A at Appendix 5 dated 16th August 2016 and then the new right to be created was up graded to a bridleway on map B at Appendix 5 dated January 2017. The explanation to reduce road walking is not a good enough reason to take 3m of land out of arable production on a relatively small farming unit of only 100 acres.

Further the responses to the 1st consultation highlighted that 64% of users preferred another route and when the survey was carried out a three day census only 1 pedestrian used the crossing. Again these figures do not warrant creating a new bridleway on land in arable production.

The Solution

The solution is to divert the right of way along the road further. It is a very quiet road and safety is not an issue. Please see the map C at Appendix 5.

Mr and Mrs Alterton**Crossings - C13 Middle Drove****C13 Middle Drove****Present Use**

It is a public highway user worked crossing, so is used by vehicles and used as a public footpath and bridleway.

The Proposal

The proposal is to downgrade the crossing to a private user worked crossing and for there to be an adjacent public bridleway crossing. It is understood that the crossing would have new vehicular locked gates and bridleway gates with mounting blocks.

The Issue

The land to the southwest of this crossing is owned by Alterton and Avison who also own and farm land situated to the south east and north west of the railway line. Please see the map A (1) at Appendix 6. There is a proposal to create turning heads on both sides of the line and the one to the south is to be located on the Alterton's land and sited where the main access leads in to the field. See map A(2). There has been no contact from NR or their agents to inform Mr and Mrs Alterton of why the turning head area is needed and to what is its purpose. The Alterton's are very concerned that vehicles will be left parked in the turning area then blocking their main access in to the field.

There is an IDB drain which lies between the field boundary and the road, it is then culverted to allow for access in to the field. The drain is then open again running alongside the field boundary and railway line before it is culverted under the railway line. Please see map B at Appendix 6.

It is understood that under the 'Land Drainage Byelaws' in the March Sixth Drainage Commissioners leaflet, that Byelaw 11 places restrictions on erection, installations, excavations and tree planting in across or within 9m of a watercourse. Creating the turning area would be within 9m of the watercourse. NR has provided no information to explain if NR has the powers or statutory rights to override this byelaw. See the Byelaw 11 and 31 at Appendix 6.

No details have been provided by NR to the Alterton's to explain if the gates to the crossing will remain the same width which is presently 5m. This is essential for the Alterton's so that they can maintain full agricultural use of the crossing. If it is less than 5m it will not be possible to go across the crossing with a combine.

Further no details have been given in regard to the bridleway crossing. Are the small gates to be maintained which run alongside the main gates for the crossing, allowing bridleway users to have separate access to the crossing from the main vehicle crossing? It has been stated that mounting blocks will be set up but where are these to be located?

The Solution

The Alterton's request written information on all of the issues raised above and for NR to be in contact immediately to arrange a site meeting at the crossing for negotiations to commence. The Alterton's need to receive confirmation that they will be a registered user and provided with a key for the gates.

Communication

The communication from NR and their agents acting has been appalling. The first agents acting for NR, Hamer Associates, did have a meeting with four farmers on site but this was before June 2016. The Altertons have phoned the agents now acting, Bruton Knowles (BK), and on the second call did request a meeting on site but nothing has been forthcoming from BK.

Messrs M and N White, 60 Burnt House Road - Crossing C14 Eastrea Cross Drove**R. J Dale, 43 The Fold, Coates - Crossing C14 Eastrea Cross Drove****Present Use**

This crossing is a public footpath level crossing only.

The Proposal

The proposal is to close the level crossing to all users and divert the footpath so that the public can cross the railway line at Eastrea Level Crossing

The Issue

The proposal creates a new footpath 3m wide to connect Cross Drove to Wype Road by going across productive arable land. The proposal is for it to run alongside the IDB drain.

Please see map A dated 16.8.2016 at Appendix 7. The red dotted line highlights the new proposed footpath, Mr White's land is highlighted in yellow and Mr. Dale's land in green.

It is understood that under the 'Land Drainage Byelaws' that there is a Byelaw which places restrictions on erection, installations, excavations and tree planting in across or within 9m of a watercourse. Therefore can the footpath run directly alongside the drain? NR has provided no information to explain if NR have the powers or statutory rights to override this byelaw.

Why does the footpath have to be 3m wide and not 2m which is the statutory width for all footpaths.

The Solution

Is it necessary to create a new footpath as highlighted on the map A dated 16th August 2016 as there is already a footpath which runs up Cross Drove to Lake Drove and on to Wype Road. Only one person was recorded using the existing footpath during the three day survey therefore the cost of creating the new footpath and taking land out of arable production is not necessary when there already is another perfectly useable footpath to the north.

No new footpath should be created as it is not proven to be necessary but if there are exceptional reasons as to why the new footpath has to be created then it should be located on the land that lies between the railway line and IDB drain and not on the field side of the drain.

Communication

There has been no communication from Bruton Knowles and no meeting on site to discuss the new proposal of the footpath with Mr White. A site meeting should have been arranged. Further Mr White has only received one Notice for C15 – Brickyard Drove Level Crossing when he should have received a Notice for C14 Eastrea Cross Drove as well. His land will be on both plans attached to the Notices.

Matthew Murfitt, Willow Row Farm - **Crossing C27 Willow Row**
Crossing C26 Poplar Drove

Present use

It is a public byway user worked crossing (open to all traffic).

The proposal

The proposal is to close the crossing C27 Willow Row to all users including local landowners/farmers. Instead all access to cross the railway line would be over crossing C26 Poplar Drove where the proposal is to allow private registered users (including landowners/farmers) to use the crossing.

The Issue

Willow Crossing is used by Mr Murfitt who is based at Willow Row Farm which is located to the south east of the rail crossing. The farm is 400 acres and is roughly split in half by the railway line. Willow Row crossing is used on a daily basis to access approximately 200 acres of productive arable land. Closing Willow Row Crossing means that Mr Murfitt will have to use C26 Poplar Drove Crossing to access the 200 acres on the other side of the railway line. To do this, he will have to travel down Ten Mile Drove (this is the main road leading to the A10), then go up Poplar Drove, over the crossing and up to Hale Fen to access a track leading to his land. Please see map A at Appendix 8.

To reach field A, which has been highlighted on the plan in green, is approximately 800m from Willow Row Farm using the existing crossing at Willow Row. To use the proposed crossing at C26 Poplar Drove to access field A is approximately 4.3km from Willow Row Farm and will take about 20 minutes in a tractor. A further option is to go along Ten Mile Drove to Hard Drove and then to New Road Cross. This will give access along a track to the fields in question. The distance along this route would be approximately 3km.

During the sugar beet harvest, a tractor and trailer will be going over the Willow Crossing approximately every 10 minutes to cart sugar beet to Willow Row Farm. The economic impact of closing Willow Crossing to the landowner and farmer has not been considered by Network Rail.

The Solution

The main solution is that C27 Willow Crossing retains registered private user crossing rights, therefore enabling landowners/farmers to register to use the crossing.

In regard to C26 Poplar Drove Crossing and C27 Willow Crossing, it is imperative that the width of the crossing access is maintained for agricultural vehicles. The notice on the gate at C26 Poplar Drove is stating that the width of the access will be decreased to 1.5 m. If this action is carried out it will not be possible to use the crossing with agricultural vehicles.

Communication

Mr Murfitt sent two emails to Network Rail and Bruton Knowles dated 6 January 2017 and 2 March 2017 to raise his concerns and issues over the proposals to close Willow Row Crossing. No response was received from either Network Rail or Bruton Knowles. Again this shows the complete lack of engagement carried out by Network Rail and their agents. Please see the emails at Appendix 8.

F C Palmer & Sons, Stowbridge Farm - Crossings**C01 Chittering****C02 Nairns****C33 Jack O'Tell****C34 Fysons****Introduction**

The Palmers farm approximately 3150 acres in one block with the railway line running down the middle of the farm north to south. The level crossings proposed to be closed allow the Palmers to cross the railway line on a daily basis and are situated along the line as follows from north to south Nairns, Jack O'Tells, Chittering and Fysons. Without the crossings the land on either side of the railway line is severed from the other. In particular the coldstore and pack house for the business is located directly west of Nairns crossing. There is approximately 1508 acres of land on the east side of the railway line and this land would be severed from the coldstore and pack house. Please see the enclosed farm map at Appendix 9 highlighting all of the land which is either owned, rented or contracted farmed, the location of the coldstore and the pack house along with the location of the railway line and the level crossings.

The farm business grows high yielding root and salad crops including potatoes, carrots, beetroot, leeks celery, and lettuce along with wheat, barley, beans and turf. Intensive cultivations are involved and irrigation is used to water the crops meaning that there are numerous vehicle movements using the level crossings. In particular the celery, lettuce and leeks are all handpicked and taken back to the cold store and pack house in the middle of the farm. Further the potatoes and beetroot when harvested which runs from late June through to November are also carted back to the coldstore having to use the Nairns and Jack O'Tells crossings.

The importance of being able to use the level crossings on a daily basis to the farm business cannot be underestimated and F C Palmer & Sons have submitted their own statement of case which has been undertaken by Jonathan Stiff of Cheffins. This highlights in detail the full impact to the farm business if all the crossings are closed as proposed by Network Rail.

Crossing C01 Chittering**Present use**

It is a public footpath level crossing.

The Proposal

The proposal is to close the level crossing to all users.

The Solution

This is accepted by the Palmers as this does not interfere with the running of the farm business and as far as they are aware the footpath is hardly ever used.

Crossing C02 Nairns**Present use**

It is a private user worked crossing and is used by agricultural vehicles on a daily basis by the Palmers to access land located on either side of the railway line.

The Proposal

The proposal is to close the crossing to all users and NR have stated that private users would use existing private tracks either side of the railway line. The tracks connect to the A1123 the Newmarket road and it is proposed to cross the railway line at Dimmocks Cote level crossing. Please see Appendix 9 Map A.

Crossing C33 Jack O'Tell (Adam's Crossing)**Present Use**

It is a crossing for private vehicle users and there is a public footpath. This crossing like Nairns crossing is used on a daily basis by the Palmers farming business.

The Proposal

The proposal is to close the crossing to private vehicles and keep open the public footpath. Private vehicle users are to be diverted south to Bannolds Crossing using private tracks and the public highway. Please see Appendix 9 Map B.

Crossing C34 Fysons Crossing**Present Use**

It is a crossing used and worked by private vehicles.

The Proposal

The proposal is to close the crossing to all users. Private vehicle users are to be diverted using private tracks and public roads and to cross over the railway line using Bannolds Crossing. The proposal has highlighted that F C Palmer & Sons should use Long Drove to access their farmland on the eastside of the railway line and to use a road to the west of the railway line to access land east of the road. Please see Appendix 9 Map C.

The Issue

Nairns and Jack O'Tells are the two main crossings used by the farm business on a daily basis and the level of use during harvest is particularly high. F C Palmer & Sons have calculated that there would be approximately 6,200 vehicle movements per annum over the two crossings to transport crops/produce back to the coldstore and pack house at Chittering Farm. Further they have calculated that during harvest there would be approximately 50 movements per day across both crossings.

To actually cultivate, plant, fertilise, spray and irrigate the crops on the land on the eastern side of the railway line amounts to 3,500 vehicle movements and so with harvest figures this gives a total of 9,700 movements across both of the crossings Nairns and Jack O'Tells.

Full details of how all vehicle movements have been calculated are highlighted in F C Palmer & Sons individual Statement of Case.

NR has highlighted diversion routes that could be used by the Palmers once the crossings are closed. In regard to Nairns, the diversion route proposed is 2.5 miles and this will mean slow moving agricultural vehicles turning on to and off the main Newmarket road, the A1123. There have been 3 serious road traffic accidents (RTAs) in the last 3 years on the main road with farm tractors when the tractors are turning right off the road on to the private track. Please see map D at Appendix 9.

In regard to the closure of Jack O'Tells, there are two diversion routes that could be used by the farm vehicles the first is approximately 5.1 miles and uses private tracks to access the A1123 and private tracks on the eastern side of the railway line which also run through Little Farm. This land is only rented on a five year Farm Business Tenancy and so the Palmers have no legal right to use the private tracks through this farm if the land is not being rented. Therefore if it is not possible to use the private tracks through Little Farm the diversion route to Bannolds crossing is 9.3 miles long and goes via the A10, Waterbeach and then to private tracks. Please see maps E (i) and E (ii) at Appendix 9.

The amount of movements that the Palmers have of agricultural vehicles that would have to use this route every day means that it would not be safe to use the A10 trunk road.

This route would take approximately 1 hour per vehicle movement. This length of time for the vehicle movements that the farm business has every day as highlighted above is not feasible as it could add up to 9,700 hours for the operations each year.

The closure of the three level crossings Nairns, Jack O'Tell and Fysons could cost the F C Palmer & Sons farm business in the region of £375,000 per annum.

The Solution

If any of the three crossings are closed it has a cost implication to the farm business. The main option that the Palmers could consider is if NR wants to close Nairns and Fysons Crossings that this would only be possible if the level crossing Jack O'Tells is kept open and is fully automated for use by the farm traffic. Automation of the crossing should be considered as the cost to the Palmers farm business and the road safety issues on the A10 and the A1123 far outweigh the cost of automating the crossing.

If Jack O'Tells crossing is kept open to be used by the Palmers then the cost to the farm business of closing Nairns and Fysons would be in the region of £25,000 per annum instead of the cost of closing all three crossings which as highlighted above is in the region of £375,000.

Full details of costs and timings are contained in F C Palmer & Sons individual statement of case.

Six Mile Bottom Farms LLP, Westley Lodge – Crossing C30 Westley Road

Following discussions between Network Rail, via their representatives, Six Mile Bottom Estate LLP has been provided with written assurance regarding changes at C30 Westley Road crossing. We trust this will be complied with. Please see below the emails we are referring to and a map of the crossing at Appendix 10.

From: Andrew Prowse [<mailto:Andrew.Prowse@brutonknowles.co.uk>]

Sent: 16 March 2017 16:02

To: Toby Owen

Subject: RE: Level Crossing Closures [BK-BK.FID406718]

Dear Mr Owen

Further to your exchange of email with Will Jackson of yesterday have discussed the proposals crossings further with my client.

Network Rail confirm that the vehicular width will not be diminished. Six Mile Bottom Estate will become an authorized user of a private crossing.

The bridleway gates proposed will have a clear width of 1.525m, without affecting the vehicular gates.

I trust that this is clear and allays your concerns. If you have any further queries please feel free to give me a call.

Regards

Andrew Prowse MRICS

Associate

RICS Registered Valuer

Bruton Knowles, 15 Castle Gate, Nottingham, NG1 7AQ

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From: Toby Owen [<mailto:toby.owen@smbestate.co.uk>]
Sent: 14 March 2017 17:42
To: Andrew Prowse <Andrew.Prowse@brutonknowles.co.uk>
Cc: Patrick Downes <Patrick.Downes@brutonknowles.co.uk>
Subject: Level Crossing Closures

C30 Westley Road Crossing

Dear Andrew

Thank you for calling me back this afternoon.

I look forward to receiving more details about exactly what is planned for the Westley Crossing

Kind regards

Toby

Toby Owen
Six Mile Bottom Estate
 Estate Office, Westley Lodge, Six Mile Bottom, Newmarket, Suffolk, CB8 0UA

Telephone: 01638 570227
 Mobile: 07976 151238
 Fax: 01638 570477
 Email: toby.owen@smbestate.co.uk

6. Conclusion

6.1 The NFU at the present time objects strongly to Network Rail being granted compulsory powers to carry out any closures of crossings or to be able to divert or create any new footpaths or bridleways until Network Rail has engaged and carried out meaningful negotiation with landowners, farmers and NFU.

Appendix 1

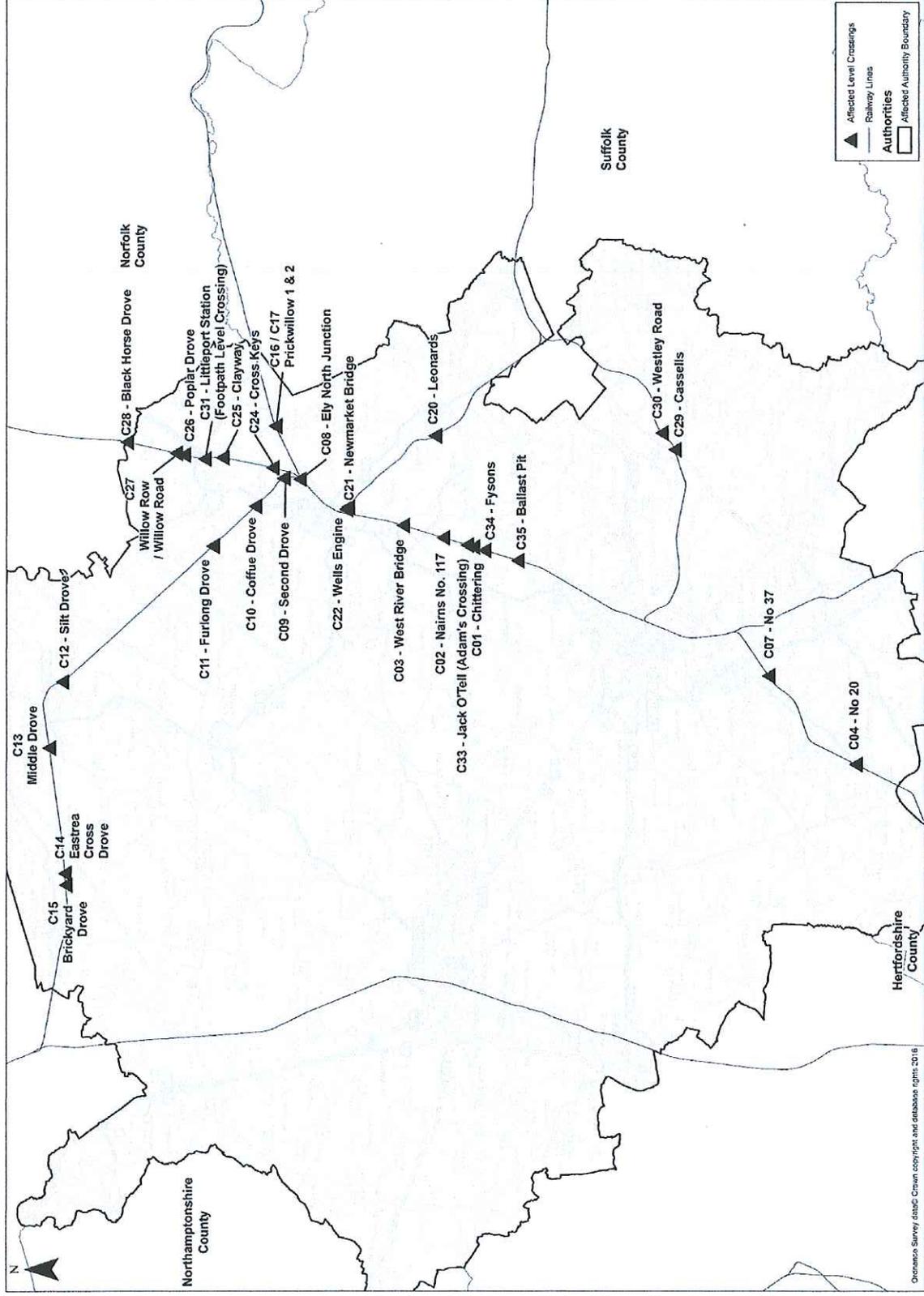
Anglia Level Crossing Proposals - Cambridgeshire

Final List

Anglia Level Crossing Proposals – Cambridgeshire – Final List

Level Crossing Locations Map and Tables

The crossings marked in red in the list below have been removed from the project and will not be progressed at this stage



Littleport Venue Level Crossings

Level Crossing Reference & Name	Post Code	GoogleMaps Link	Reason for removal
C03 - West River Bridge	CB6 3HR	C03 - West River Bridge (GoogleMaps)	
C08 - Ely North Junction	CB7 4TZ	C08 - Ely North Junction (GoogleMaps)	
C09 - Second Drove	CB7 4UJ	C09 - Second Drove (GoogleMaps)	
C10 - Coffue Drove	CB6 1RX	C10 - Coffue Drove (GoogleMaps)	
C11 - Furlong Drove	CB6 2ER	C11 - Furlong Drove (GoogleMaps)	
C16 - Prickwillow 1	CB7 4UP	C16 - Prickwillow 1 (GoogleMaps)	
C17 - Prickwillow 2	CB7 4UP	C17 - Prickwillow 2 (GoogleMaps)	
C18 - Munceys	CB7 5LP	C18 - Munceys (GoogleMaps)	Further consultation work required
C19 - Wicken Road	CB7 5AW	C19 - Wicken Road (GoogleMaps)	Diversiory route unsuitable
C20 - Leonards	CB7 5HX	C20 - Leonards (GoogleMaps)	
C21 - Newmarket Bridge	CB7 4EX	C21 - Newmarket Bridge (GoogleMaps)	
C22 - Wells Engine	CB7 4EX	C22 - Wells Engine (GoogleMaps)	
C23 - Adelaide	CB7 4UE	C23 - Adelaide (GoogleMaps)	Diversiory route unsuitable
C24 - Cross Keys	CB7 4UE	C24 - Cross Keys (GoogleMaps)	
C25 - Clayway	CB6 1NT	C25 - Clayway (GoogleMaps)	
C26 - Poplar Drove	CB6 1FB	C26 - Poplar Drove (GoogleMaps)	
C27 - Willow Row / Willow Road	CB6 1EE	C27 - Willow Row / Willow Road (GoogleMaps)	
C31 - Littleport Station (Footpath Level Crossing)	CB6 1JL	C31 - Littleport Station (Footpath Level Crossing) (GoogleMaps)	
C28 - Black Horse Drove	CB6 1EH	C28 - Black Horse Drove (GoogleMaps)	

Cambridge Venue Level Crossings

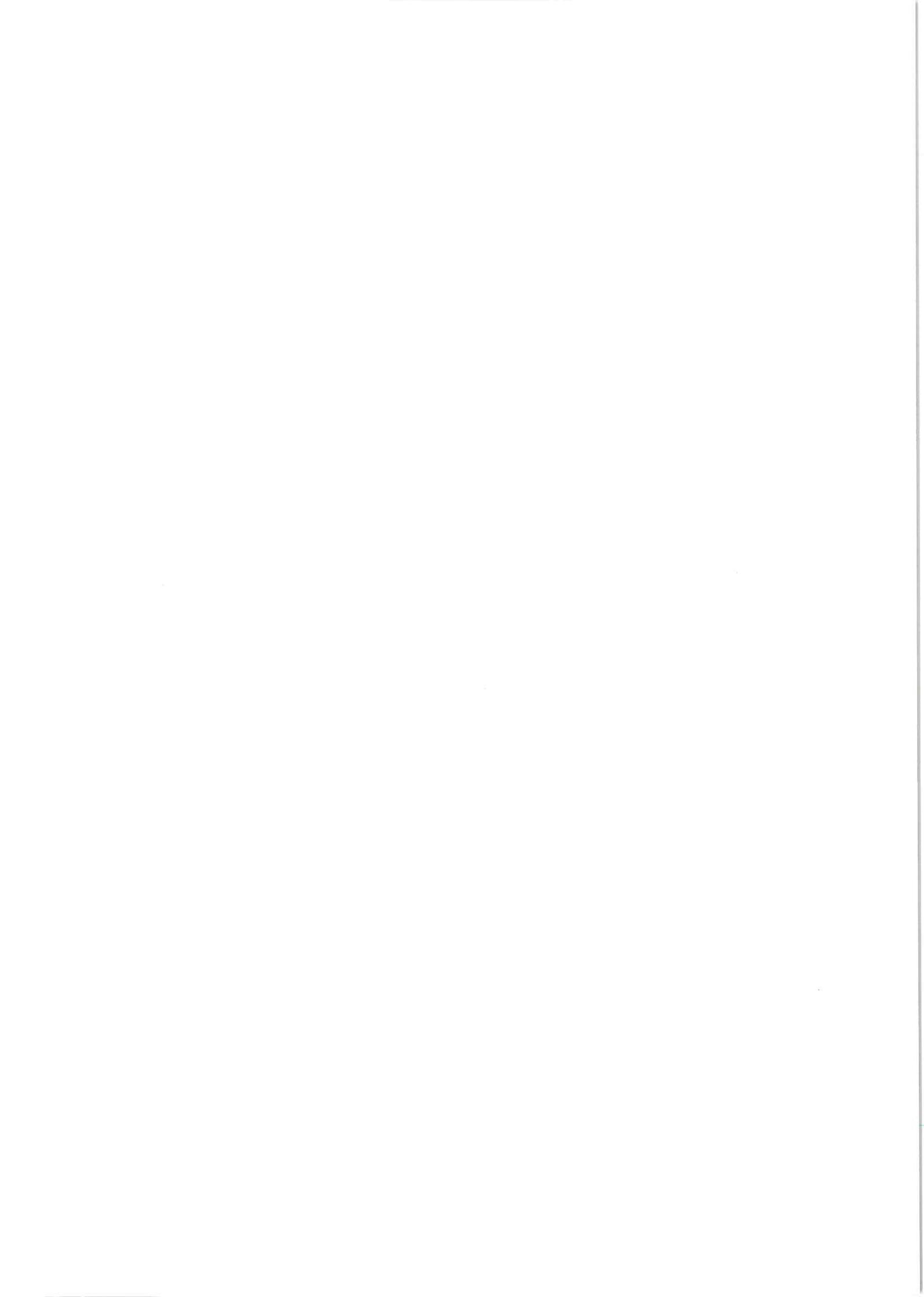
Level Crossing Reference & Name	Post Code	GoogleMaps Link
C01 - Chittering	CB25 9PW	C01 - Chittering (GoogleMaps)
C02 - Nairs No. 117	CB6 3LG	C02 - Nairs No. 117 (GoogleMaps)
C04 - No 20	S68 6JR	C04 - No 20 (GoogleMaps)
C06 - Barrington Road	CB22 6SJ	C06 - Barrington Road (GoogleMaps)
C07 - No 37	CB22 7PH	C07 - No 37 (GoogleMaps)
C29 - Cassells	CB8 0UN	C29 - Cassells (GoogleMaps)
C30 - Westley Road	CB8 0UB	C30 - Westley Road (GoogleMaps)
C33 - Jack O'Tell (Adam's Crossing)	CB25 9LR	C33 - Jack O'Tell (Adam's Crossing) (GoogleMaps)
C34 - Fysons	CB25 9LR	C34 - Fysons (GoogleMaps)
C35 - Ballast Pit	CB25 9LW	C35 - Ballast Pit (GoogleMaps)

March Venue Level Crossings

Level Crossing Reference & Name	Post Code	GoogleMaps Link
C12 - Silt Drove	PE15 0DB	C12 - Silt Drove (GoogleMaps)
C13 - Middle Drove	PE15 0AJ	C13 - Middle Drove (GoogleMaps)
C14 - Eastrea Cross Drove	PE7 2HG	C14 - Eastrea Cross Drove (GoogleMaps)
C15 - Brickyard Drove	PE7 2AZ	C15 - Brickyard Drove (GoogleMaps)

Appendix 2

NFU Responses to all consultations



To: NetworkRail *via email* Date: 4 July 2016
Ref:
Contact: Hannah Padfield
Tel: 01638 672100
Fax:
Email: Hannah.padfield@nfu.org.uk

The National Farmers Union (NFU) represents 55,000 farm businesses in England and Wales involving an estimated 155,000 farmers, managers and partners in the business.

Network Rail Anglia Level Crossing proposals

The NFU welcomes the opportunity to submit comments regarding Network Rail's consultation to explore options to close or change the use of 130 crossing across Cambridgeshire, Suffolk and Essex. Our members and their businesses will be directly affected by this scheme and our response reflects their concerns.

Consultation with landowners and farmers

We note the publication of the Transport and Works Act Order process and acknowledge that this is the first stage in the formal consultation process.

We recognise that farmers and landowners have had the opportunity to attend public consultation exhibitions to explain the proposal for each crossing. We understand that where it has been possible to identify the relevant landowner, Network Rail or their appointed representative, has made or is in the process of, making contact with the landowners on an individual basis.

The NFU has met with representatives of Hamer Associates regarding the proposals and we ask that dialogue between all parties continues.

Access to farm land

Our members' primary concern is access to their farmland on a timely basis, by their staff or appointed contractors, for agricultural and horticultural operations and to transport harvested produce. Where livestock is grazed, access to land is required for husbandry purposes.

Land in the Anglia region is highly productive growing a variety of crops on rotation, including salad, vegetables, sugar beet and combinable crops. Frequency of access to land varies according to the crop being grown and some land is subject to multi cropping and grows more than one crop per year. Agricultural and horticultural operations are weather related so access requirements vary accordingly. Harvesting of crops can also be depended on supplier requirements so changes in supermarket demands can influence field operations and access requirements to land.

Vehicular access by farm traffic, including tractors and large machinery including sprayers, potato harvesters, combine harvesters and sugar beet harvesters, must not be compromised. Access by HGVs to sugar beet pads is required and proposals must accommodate this. Providing suitable access routes for agricultural and horticultural traffic, may help reduce unnecessary congestion for the public on local roads.

User operated private crossings have been a feature of the national rail network since its inception. When the reason for closure is related to the economic gain of the rail operator, it is unacceptable to be able to hold landowners to ransom by installing powers to compulsorily close a right of way without providing an alternative access.

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Where there is a change or restriction of access to a crossing, it is essential that clarity is given as to where liabilities and responsibilities lie.

Future works

We appreciate options proposed to mitigate for some closures could involve construction works. Mitigation, such as compensation for the loss of land, will need to include a package of accommodation works. The schedule of works for the construction will have to take into consideration the agricultural working year and ensure full access to land for agricultural operations at all times, unless agreed in advance with the landowner or farmer. An agricultural liaison officer will need to be appointed during the period of the works, with direct contact details supplied to all affected landowners and farmers.

The effect of dust from construction work will need to be considered. Mitigation will need to be provided to prevent damage to crops.

Professional fees

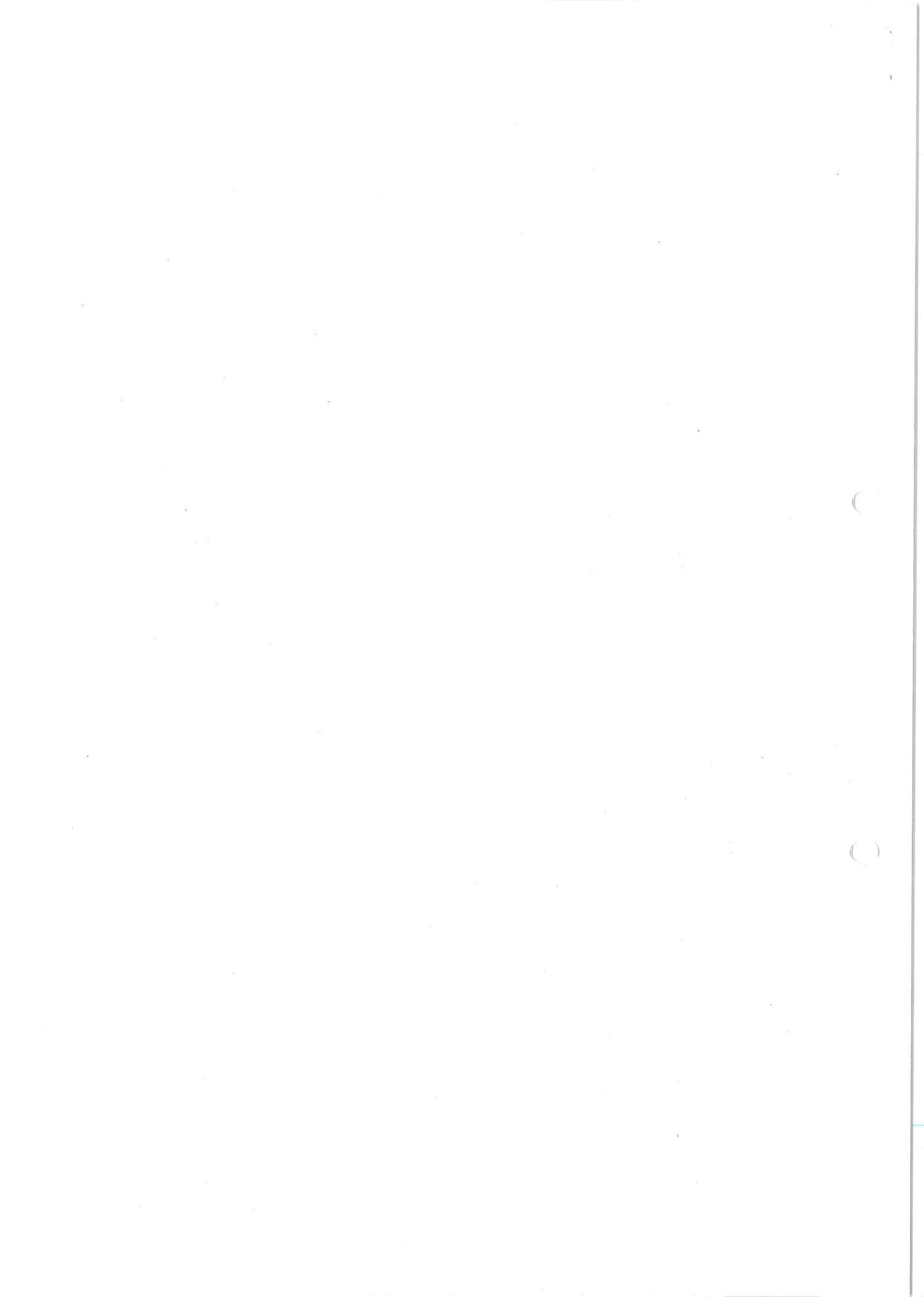
We would fully expect Network Rail to cover any professional or legal fees incurred by farmers affected by the consultation.

Points on specific crossings:

NR Reference no.	Name of crossing	Comment
C02	Nairns No. 117	The proposal is to close the private level crossing to all users with a new right created along an existing private track. Further discussion is requested, in conjunction with the proposals for C33 and C34, as access via these crossings are integral to the farm businesses involved.
C13	Middle Drove	The proposal is to be downgraded to a public footpath or bridleway. Private crossing rights for motorised users must be provided for landowners and associated contractors. Access to land is required throughout the year for all forms of traffic to transport harvested produce.
C26	Poplar Drove	The proposal to close this crossing would not allow farmers appropriate access to their land. Alternative proposals are required and further consultation necessary.
C27	Willow Drove	The proposal to downgrade the crossing to a bridleway but retain crossing rights for farmers is acceptable. Access must be maintained for agricultural and horticultural operations.
C33	Jack O'Tell (Adam's Crossing)	The proposal is to close the private level crossing. A diversion is proposed via Bannolds level crossing. Further discussion is requested in conjunction with the proposals for C02 and C34 as access via these crossings are integral to the farm businesses involved.
C34	Fysons	The proposal is to close the private level crossing. A diversion is proposed via Bannolds level crossing. Further discussion is requested in conjunction with the proposals for C02 and C33 as access via these crossings are integral to the farm businesses involved.
C35	Ballast Pit	The proposal is to close the private crossing to all users with a new right of way created. The crossing is required for access to fishing lakes and the proposal has implications for farmers in order to provide access to the fishing lakes. No discussion has taken place to date and we urged this is initiated with the farmers involved.

Please note there are two crossings located between Queen Adelaide and Prickwillow, travelling north on the Norwich line, which we would welcome discussion on. Following a previous site visit, draft proposals to close the crossing and provide an appropriate alternative have been discussed between the landowners and a number of Network Rail representatives. If implemented as proposed, benefits would be created for Network Rail, as well as the four landowners and a local business affected. We would welcome the inclusion of proposals for these two crossings, in line with previous discussions, in the next phase of the consultation process.

In conclusion, we request that communication between farmers and landowners and Network Rail (plus all respective representatives) continues.



To: NetworkRail *via email* Date: 13 October 2016
Ref:
Contact: Hannah Padfield
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Fax:
Email: Hannah.padfield@nfu.org.uk

The National Farmers Union (NFU) represents 55,000 farm businesses in England and Wales involving an estimated 155,000 farmers, managers and partners in the business.

Network Rail Anglia Level Crossing proposals

The NFU welcomes the opportunity to submit comments regarding Network Rail's consultation to explore options to close or change the use of 130 level crossings (crossings) across Cambridgeshire, Suffolk and Essex. Our members and their businesses will be directly affected by this scheme and our response reflects their concerns.

Purpose of the scheme and consultation

The rationale for Network Rail's proposals is not clear. The NFU is concerned, on behalf of its members, that maintenance costs and convenience for Network Rail are the real drivers rather than safety for users, along with moving liabilities to the landowner. In addition to this, once a crossing is closed, in reality it is unlikely to be re-opened thus future opportunities for land use, development and neighbouring property may be restricted.

Consultation process

We note the publication of the Transport and Works Act Order process and acknowledge that this is the second stage in the formal consultation process.

We recognise that farmers and landowners have had the opportunity to attend a further round of public consultation exhibitions to explain the revised proposal for each crossing. We understand that where it has been possible to identify the relevant landowner, Network Rail or their appointed representative, has made or is in the process of, making contact with the landowners on an individual basis.

The two stages of the consultation process have been in short succession between June and October, which coincides with the busiest time in the farming year. As a result, there has been a reduced window for discussion with Network Rail for affected parties to take professional advice.

The proposal for each crossing was published on the day of the relevant consultation event, thus leaving no opportunity for advance consideration or discussion with advisers. In some cases the proposal was not published on the day of the event, thus face to face communication at the relevant consultation event was not feasible.

In some cases, the usage figures stated on the proposal for each crossing are questionable. Our members have used these crossings with agricultural vehicles more times than stated.

Access to farm land

Our members' primary concern is access to their farmland on a safe and timely basis, by their staff or appointed contractors, for agricultural and horticultural operations, and to transport harvested produce. Where livestock is grazed, access to land is required for husbandry purposes.

Land in the Anglia region is highly productive growing a variety of crops on rotation, including salad, vegetables, sugar beet and combinable crops. Frequency of access to land varies according to the crop being grown, and some land is subject to multi cropping and grows more than one crop per year. Agricultural and horticultural operations are weather related so access requirements vary accordingly. Harvesting of crops can also be dependent on supplier requirements; so changes in supermarket demands can influence field operations and access requirements to land.

Vehicular access by farm traffic, including tractors and large machinery (for example sprayers, potato harvesters, combine harvesters and sugar beet harvesters), must not be compromised. Access by HGVs to sugar beet pads is required and proposals must accommodate this. Providing suitable access routes for agricultural and horticultural traffic may help reduce unnecessary congestion for the public on local roads. Where crossings are being downgraded from a public crossing to a private user crossing, access by agricultural machinery must be permissible. Access from fields onto the highway must not be compromised neither should turning circles for agricultural vehicles.

User operated private crossings have been a feature of the national rail network since its inception. When the reason for closure is related to the economic gain of the rail operator, it is unacceptable to compulsorily close a right of way without providing an alternative access.

Safety

Numerous accidents have occurred across the Anglia region in recent years, costing Network Rail considerable sums in fines. Effective safety features are required at crossings to reduce accidents, and Network Rail should not presume closing crossings is the only option. A range of safety features are available including lights, automatic barriers, improved train GPS, improved gate configurations and permanent structures such as foot and vehicular bridges. Tractors can be fitted with GPS technology with accuracy down to 2cm so there are options for Network Rail to consider. Network Rail has been resistant, at this stage, to considering solutions suggested by users.

Private user rights

The registration process for private user rights has not been made clear to landowners. Neither are potential applicants aware of the legal responsibilities attached to these rights or the implications if there should be an accident in the future.

Where private user crossings are being removed and rights are lost, the application process for compensation and rates is not made clear to affected parties.

Compensation for the loss of property

Compensation for the loss of property has not been confirmed, and where some preliminary discussions have taken place, there is an indication that the methodology is subjective with the onus on the landowner to prove loss of income.

Economic implications for business interruption and loss of business, both in the short and long term, need to be considered.

Rights of way

Where alternative rights of way are proposed, it is essential that any of the concerns about the potential impacts of new routes are taken into account. Landowners must be adequately compensated for new rights of way, particularly considering that once a right of way has been created it can be difficult to get them diverted or extinguished, and also because a footpath may require changes to land management and have an impact on land value. If furniture (such as gates etc.) is required for new rights of way, a discussion must take place with the farmer to ensure that their farming needs are accounted for, and that the furniture is a necessity for the route.

A number of the proposals would re-route paths across land currently used for grazing livestock, including pedigree bulls in one case. This is clearly undesirable. An additional issue is that of livestock

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diseases, such as neosporosis, that are transmitted by dog faeces and these impacts must be taken seriously by Network Rail.

Crime

In a small number of cases, the closure of a crossing and the removal of a private user crossing will create a dead end. In these situations, our members are concerned about the implications for crime including fly tipping.

Professional fees

We would hope that Network Rail will cover any professional or legal fees incurred by farmers affected by the consultation.

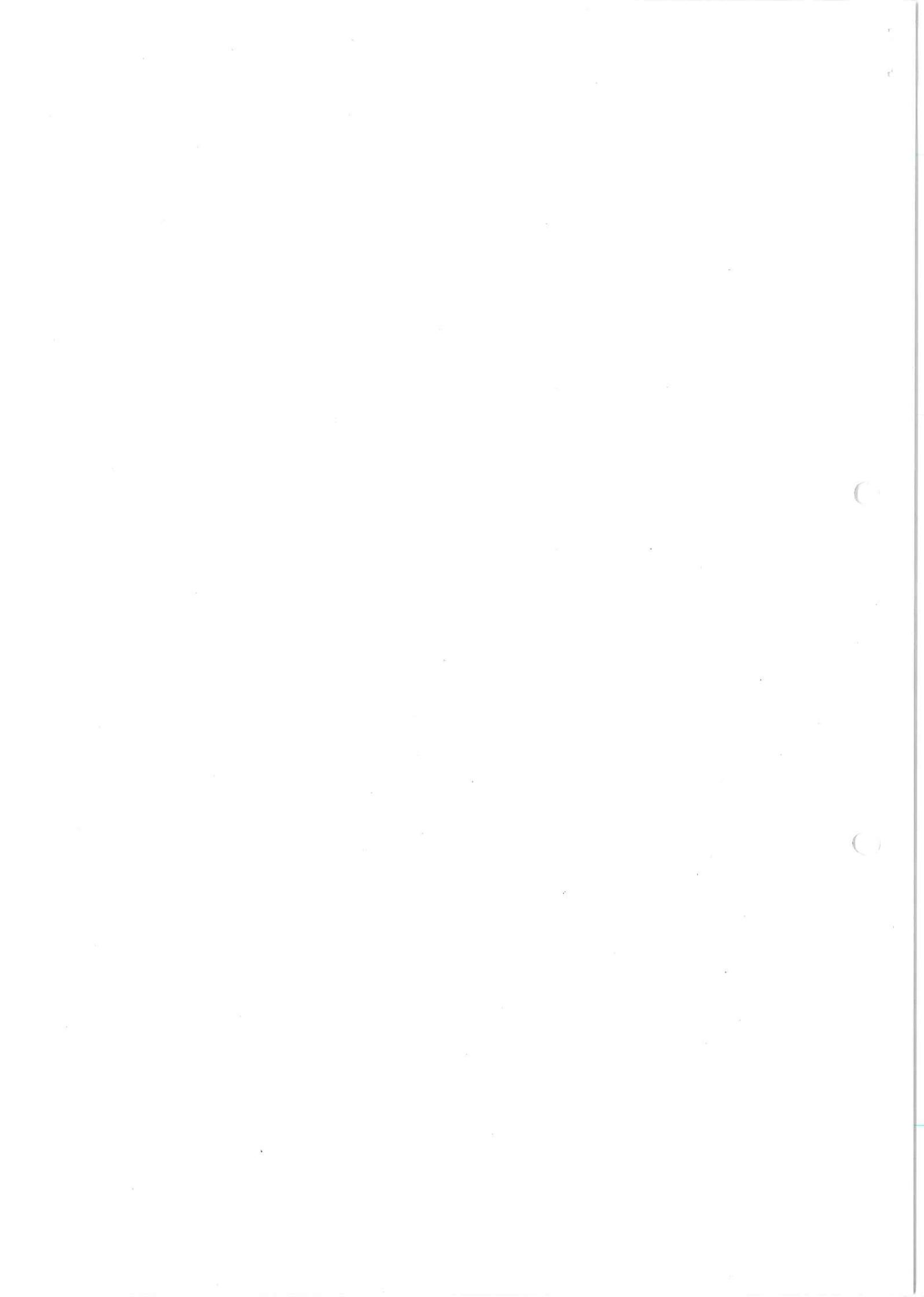
Future works

The schedule of works for the construction will have to take into consideration the agricultural working year, and ensure full access to land for agricultural operations at all times, unless agreed in advance with the landowner or farmer. An agricultural liaison officer will need to be appointed during the period of the works, with direct contact details supplied to all affected landowners and farmers.

The effect of dust from construction work will need to be considered. Mitigation will need to be provided to prevent damage to crops.

Conclusion

In conclusion, we request that communication between farmers/landowners and Network Rail (plus all respective representatives) continues, with satisfactory proposals determined before the TWO is applied for.



To: NetworkRail *via email* Date: 5 January 2017
Ref:
Contact: Hannah Padfield
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Email: Hannah.padfield@nfu.org.uk

The National Farmers Union (NFU) represents 55,000 farm businesses in England and Wales involving an estimated 155,000 farmers, managers and partners in the business.

Network Rail Anglia Level Crossing proposals

The NFU welcomes the opportunity to submit comments regarding Network Rail's consultation to explore options to close or change the use of 130 level crossings (crossings) across Cambridgeshire, Suffolk and Essex. Our members and their businesses will be directly affected by this scheme and our response reflects the factors that will need to be considered.

Purpose of the scheme and consultation

The rationale for Network Rail's proposals is not clear. The NFU is concerned, on behalf of its members, that maintenance costs and convenience for Network Rail are the real drivers rather than safety for users, along with moving liabilities to the landowner. In addition to this, once a crossing is closed, in reality it is unlikely to be re-opened thus future opportunities for land use, development and neighbouring property may be restricted.

Consultation process

We note the publication of the Transport and Works Act Order process and acknowledge this includes a number of opportunities for formal consultation. We are mindful that Section 118 and Section 119 of the Highways Act could also be used to close the level crossing(s) in question.

We recognise that farmers and landowners have had the opportunity to attend two rounds of public consultation exhibitions to explain the revised proposal for each crossing. We understand that where it has been possible to identify the relevant landowner, Network Rail or their appointed representative, has made, or is in the process of making, contact with the landowners on an individual basis.

Network Rail's decision to change agent in December 2016 led to a number of on-farm meetings being conducted in Cambridgeshire. Whilst the opportunity for discussion is welcome, it is noted that this is a repeat of the previous meetings with little or no progress being made.

The NFU and its members have identified revised proposals for crossings published online in December 2016 with little or no notification given to affected parties by Network Rail.

The usage figures stated on the proposal for each crossing are questionable. Our members have used these crossings with agricultural vehicles more times than stated.

Access to farm land

Our members' primary concern is access to their farmland on a safe and timely basis, by their staff or appointed contractors, for agricultural and horticultural operations, and to transport harvested produce. Where livestock is grazed, access to land is required for husbandry purposes.

Land in the Anglia region is highly productive growing a variety of crops on rotation, including salad, vegetables, sugar beet and combinable crops. Frequency of access to land varies according to the crop

being grown, and some land is subject to multi cropping and grows more than one crop per year. Agricultural and horticultural operations are weather related so access requirements vary accordingly. Harvesting of crops can also be dependent on supplier requirements, so changes in supermarket demands can influence field operations and access requirements to land.

Vehicular access by farm traffic, including tractors and large machinery (for example sprayers, potato harvesters, combine harvesters and sugar beet harvesters), must not be compromised. Access by HGVs to sugar beet pads is required and proposals must accommodate this. Providing suitable access routes for agricultural and horticultural traffic may help reduce unnecessary congestion for the public on local roads. Where crossings are being downgraded from a public crossing to a private user crossing, access by agricultural machinery must be permissible. Access from fields onto the highway must not be compromised, neither should turning circles for agricultural vehicles.

User operated private crossings have been a feature of the national rail network since its inception. When the reason for closure is related to the economic gain of the rail operator, it is unacceptable to compulsorily close a right of way without providing an alternative access.

Safety

Numerous accidents have occurred across the Anglia region in recent years, costing Network Rail considerable sums in fines. Effective safety features are required at crossings to reduce accidents, and Network Rail should not presume closing crossings is the only option. A range of safety features are available including lights, automatic barriers, improved train GPS, improved gate configurations and permanent structures such as foot and vehicular bridges. Tractors can be fitted with GPS technology with accuracy down to 2cm so there are options for Network Rail to consider. Network Rail has been resistant, at this stage, to considering solutions suggested by users.

Private user rights

The registration process for private user rights has not been made clear to landowners. Neither are potential applicants aware of the legal responsibilities attached to these rights or the implications if there should be an accident in the future.

Where private user crossings are being removed and rights are lost, the application process for compensation and rates is not made clear to affected parties.

Compensation for the loss of property

Compensation for the loss of property has not been confirmed, and where some preliminary discussions have taken place, there is an indication that the methodology is subjective with the onus on the landowner to prove loss of income.

Economic implications for business interruption and loss of business, both in the short and long term, need to be considered.

Rights of way

Where alternative rights of way are proposed, it is essential that any of the concerns about the potential impacts of new routes are taken into account. Landowners must be adequately compensated for new rights of way, particularly considering that once a right of way has been created it can be difficult to get them diverted or extinguished, and also because a footpath may require changes to land management and have an impact on land value. If furniture (such as gates etc.) is required for new rights of way, a discussion must take place with the farmer to ensure that their farming needs are accounted for, and that the furniture is a necessity for the route. In addition, it would need to be made clear where responsibility lies for the maintenance of any new rights of way and/or furniture.

A number of the proposals would re-route paths across land currently used for grazing livestock, including pedigree bulls in one case. This is clearly undesirable. An additional issue is that of livestock

diseases, such as neosporosis, that are transmitted by dog faeces and these impacts must be taken seriously by Network Rail.

The NFU also draws Network Rail's attention to Section 5(6) of the TWA which states: "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." We question whether this provision has been properly considered as part of the current proposals.

It is also worth noting that there may be an increase in the number of historic rights of way applications during the scheme due to the anticipated implementation of the relevant provisions of the Deregulation Act 2015.

Crime

In a small number of cases, the closure of a crossing and the removal of a private user crossing will create a dead end. In these situations, our members are concerned about the implications for crime including fly tipping.

Professional fees

We would hope that Network Rail will cover any professional or legal fees incurred by farmers affected by the proposals.

Future works

The schedule of works for the construction will have to take into consideration the agricultural working year, and ensure full access to land for agricultural operations at all times, unless agreed in advance with the landowner or farmer. An agricultural liaison officer will need to be appointed during the period of the works, with direct contact details supplied to all affected landowners and farmers.

The effect of dust from construction work will need to be considered. Mitigation will need to be provided to prevent damage to crops.

Conclusion

In conclusion, we request that communication between farmers/landowners and Network Rail (plus all respective representatives) continues, with satisfactory proposals determined before the TWO is applied for.



To: transportandworksact@dft.gsi.gov.uk.

Date: 25 April 2017

Ref: Network Rail Level Crossing Closures

Circulation: NFU Staff and Members

Contact: Martin Rogers/ Louise Staples

Tel: 024 7685 8645

Martin.rogers@nfu.org.uk

Network Rail level-crossing closure Orders.

Introduction:

The NFU represents 47,000 farm businesses in England and Wales. We welcome the opportunity to respond to the proposed orders submitted by Network Rail under the Transport and Works Act 1992 to remove or downgrade 130 level crossings across Cambridgeshire, Suffolk and Essex. This response is submitted in addition to responses provided by individual affected landowners. We have an interest in proposals to close or downgrade level crossings at a regional and national level due to the potential for the process to subsequently be used in other parts of the country; therefore this response aims to highlight concerns raised by multiple farm businesses.

The closure or downgrading of level crossings will have differing impacts on agricultural businesses depending upon farm type and size, and the specifics of the proposed closures, but our primary concerns are fourfold:

- Closure of level crossings will compromise access to agricultural land by farm businesses, their employees and contractors. This concern is brought in part by a lack of clarity and transparency on the impact of these changes on private access. Does a level crossing closure mean no further private rights of access for both vehicles and pedestrians?
- The economic impact to farm businesses, caused by the proposed closures to the crossings, has currently been completely underestimated.
- There are proposals to considerably increase the length of the rights of way network running across agricultural land through the creation, diversion or extinguishment of rights of way. Again an economic impact to agricultural holdings.
- Once a crossing is closed, it is unlikely to be re-opened thus restricting future opportunities for land use and development.
- The specific concerns raised by our members have been highlighted in the attached table. This shows how many unanswered queries remain.

The NFU also has serious concerns regarding the consultation and engagement process up until this point. The NFU recognises that Network Rail have conducted previous consultation stages in this process but we have concerns that the views of landowners and other interested parties expressed during these stages have not been taken into consideration in the proposed Orders submitted.

The NFU would welcome confirmation on the type and scale of alterations to the proposals which Network Rail have made as a result of the earlier consultation stages in this process.

Conclusions to previous consultation stages of this process have requested that *"communication between farmers/landowners and Network Rail (plus all respective representatives) continues, with satisfactory proposals determined before the TWO is applied for."* Unfortunately we do not believe that this justified request has been met and many outstanding concerns and uncertainties remain in this process.

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NFU Ask:

The NFU recognises Network Rail's aims to improve safety on the network and increase the quality of service provided to its customers through a higher-speed rail network. However, the NFU's preferred option is:

- For other solutions to be considered before the closure or downgrading of level crossings which we believe have not been fully considered up until this point. This includes the use of lights, barriers, GPS, tunnels and bridges.
- For greater consideration to be given to farmer and landowner response in this and previous stages of the consultation process. Only through this full engagement with landowners and other interested parties at an individual or local level can compromise arrangements be made to improve Network Rail's assets whilst not affecting the viability of agricultural businesses and rural communities.

Impact on access to land

Our members' primary concern is to ensure access to their farmland on a safe and timely basis, by their staff or appointed contractors, for agricultural and horticultural operations, and to transport harvested produce. Where livestock is grazed, access to land is required for husbandry purposes sometimes twice daily. Some of the proposals would lead to very lengthy diversions of up to 16.6km, which would have disproportionate impacts on current farm practices. The time taken to cover this distance would not be cost effective.

Land in the Anglian region is highly productive growing a variety of crops on rotation, including salad, vegetables, sugar beet and combinable crops. Frequency of access to land varies according to the crop being grown, and some land is subject to multi cropping and grows more than one crop per year. Agricultural and horticultural operations are weather related, so access requirements vary accordingly. Furthermore, some operations are labour intensive and require considerable numbers of people to gain access to land at particular times of year. Therefore increasing the distances which have to be travelled to access land can have significant logistical and financial impacts for the farm business.

Harvesting of crops can also be dependent on supplier requirements, so changes in supermarket demands can influence field operations and access requirements to land- demonstrating the need for reliable access to land.

Vehicular access by farm traffic, including tractors and large machinery (for example sprayers, potato harvesters, combine harvesters and sugar beet harvesters), must not be compromised. Agricultural businesses can be acutely impacted by reduced, as well as a complete lack of, access to particular areas: in some circumstances the nature of machinery used demands the availability of a circular route, and removal of one access point to a land parcel will heavily impact on the logistics of these farm operations.

Access by HGVs to sugar beet pads is required and proposals must accommodate this. Providing suitable access routes for agricultural and horticultural traffic may help reduce unnecessary congestion for the public on local roads, and we are mindful that some of the proposed closures would obligate farm traffic to travel through villages and other small communities, or travel on busy A-Roads leading to significant traffic disruption.

In some circumstances the alternative route caused by the closure of level crossing is not suitable for agricultural machinery. Therefore we would like confirmation that any diversions are along routes which are:

- No narrower than 5m and capable of taking loadings up to 60tonnes;

- Contain no underbridges which are under 5m high or 5m wide;
- Contain no junctions or corners which vehicles over 20m long could not use.

In some cases we believe this has not been taken into consideration, therefore the full economic costs of the diversions caused by the closing of level crossings has not been fully taken into account.

NFU Ask:

For the direct effects of closing and downgrading level crossings, including economic, logistical and safety implications, to be fully considered. Forcing agricultural machinery to take longer routes, often using longer stretches of public road, can have great impacts on the farm business, their contractors and the rural community and we believe this has not yet been taken into full consideration.

The lack of certainty or transparency on the process for closing level crossings which hold private rights

User operated private crossings have been a feature of the national rail network since its inception. When the reason for closure is related to the economic gain of the rail operator, it is unacceptable to compulsorily close a right of way without providing an alternative access and consider the economic impact on the agricultural businesses.

Where crossings are being downgraded from a public crossing to a private user crossing, access by agricultural machinery must be permissible. Access from fields onto the highway must not be compromised; neither should turning circles for agricultural vehicles. We have concerns that this has not been fully clarified, and we seek transparency on this point before the downgrading of any crossings.

NFU Ask:

For clear communication to be provided confirming where private rights are not to be affected by the level crossing closures and the level of compensation available.

Proposed changes to the rights of way network in the region

There are a number of proposals to create, divert or extinguish public of rights of way alongside the closure or downgrading of some level crossings. The NFU welcomes the responsible use of the countryside by members of public through the use of the rights of way network. However some of the proposals to create or divert rights of way would significantly increase the length of route running across agricultural land. The potential impacts for farm businesses of these proposals to change the right of way network are manifold:

- The scale of increases in the length of rights of way, sometimes by more than 1km, will have a considerable economic impact on individual farm businesses through taking large areas of land out of agricultural production.
- Some proposals to create or divert rights of way run across land which is currently entered into Countryside Stewardship schemes, which would in turn deem the land ineligible for stewardship payment. As an example, in the Countryside Stewardship manual for option SW4 (12 – 24m watercourse buffer strip on cultivated land), it explicitly says the option 'cannot overlap a public right of way'. As such Countryside Stewardship schemes could be affected by the creation of new rights of way, or diversion of existing rights of way.
- A number of proposed diversions would instate rights of way immediately adjacent to poultry sheds, thus causing an enhanced biosecurity risk.
- More generally, some proposed diversions will lead to the creation of intrusive footpaths- which run immediately adjacent to, or between, farm buildings which resultantly increase health and safety risks to members of the public and farm workers. No footpath should be diverted to run between farm buildings.

- Other proposed diversions are onto land parcels which are currently used for turning out livestock, thus increasing the risk of livestock worrying, or spreading of disease transmitted by dog faeces such as neosporosis.
- Rights of way proposed to run alongside watercourses could limit the ability to gain access to abstracted water supplies. Furthermore, many of the proposed changes occur on land situated within internal drainage boards (IDBs). Model byelaws are often put in place to restrict or control activities which are conducted in or near watercourses. New rights of way placed parallel to such watercourses or drains will, in some circumstances, create linear sections of agricultural land between drains and proposed rights of way which are of an impractical width to use in agricultural production.
- In some circumstances cul-de-sacs in rights of way will be formed when level crossings are closed. This increases the risk of landowners and tenants becoming the victim of rural crime which includes, but is not limited to, fly-tipping, hare-coursing and fly-grazing.
- No clarity has been provided on who would be responsible for the installation and ongoing maintenance of newly created or diverted rights of way and their furniture- including gates, stiles and fences.

In addition, there is great emphasis currently being placed on the reinstatement of unrecorded historic rights of way which were in existence prior to 1949 when the original definitive map of rights of way was first created. Consideration should be given to the combined effect of reinstated and newly created or diverted rights of way on land, particularly if the two processes create a very dense network, or two rights of way running very close and parallel to each other.

We also question whether the procedure used by Network Rail is correct. Section 5(6) of the Transport and Works Act (TWA) states: *"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."* We would welcome confirmation on whether this provision has been properly considered as part of the current proposals. We are mindful that S118 and 119 of the Highways Act could be used to remove the rights of way in question as an alternative to the TWA procedure.

NFU Ask:

Greater consideration must be given to the wider implications for farm businesses through making alterations to the rights of way network. This can only be achieved through full engagement with landowners on their proposed location during the decision making process. Landowners must be adequately compensated for new rights of way and the associated adverse impact on their business, including loss of production, inability to enter land into Countryside Stewardship schemes, rural crime and the costs of implementing measures to abate any adverse impact to biosecurity or animal welfare.

We would welcome confirmation that Network Rail has fully considered the provisions outlined in Section 5(6) of the TWA and how the creation of rights of way through this process is being considered holistically with work to reinstate historic rights of way through the Deregulation Act 2015.

Conclusion:

The NFU recognises the reasoning behind Network Rail's wish to close or downgrade level crossings in the region; however with greater engagement there is the opportunity to achieve these aims without severely impacting the viability of agricultural businesses. In short this is through:

- Limiting the number of level crossings closed or downgraded;
- Closing combinations of crossings which minimise impacts on agricultural practices.

- Retaining private rights on some level crossings which will be closed to others.
- The full investigation and use of other measures such as the use of lights, barriers, GPS, tunnels and bridges.

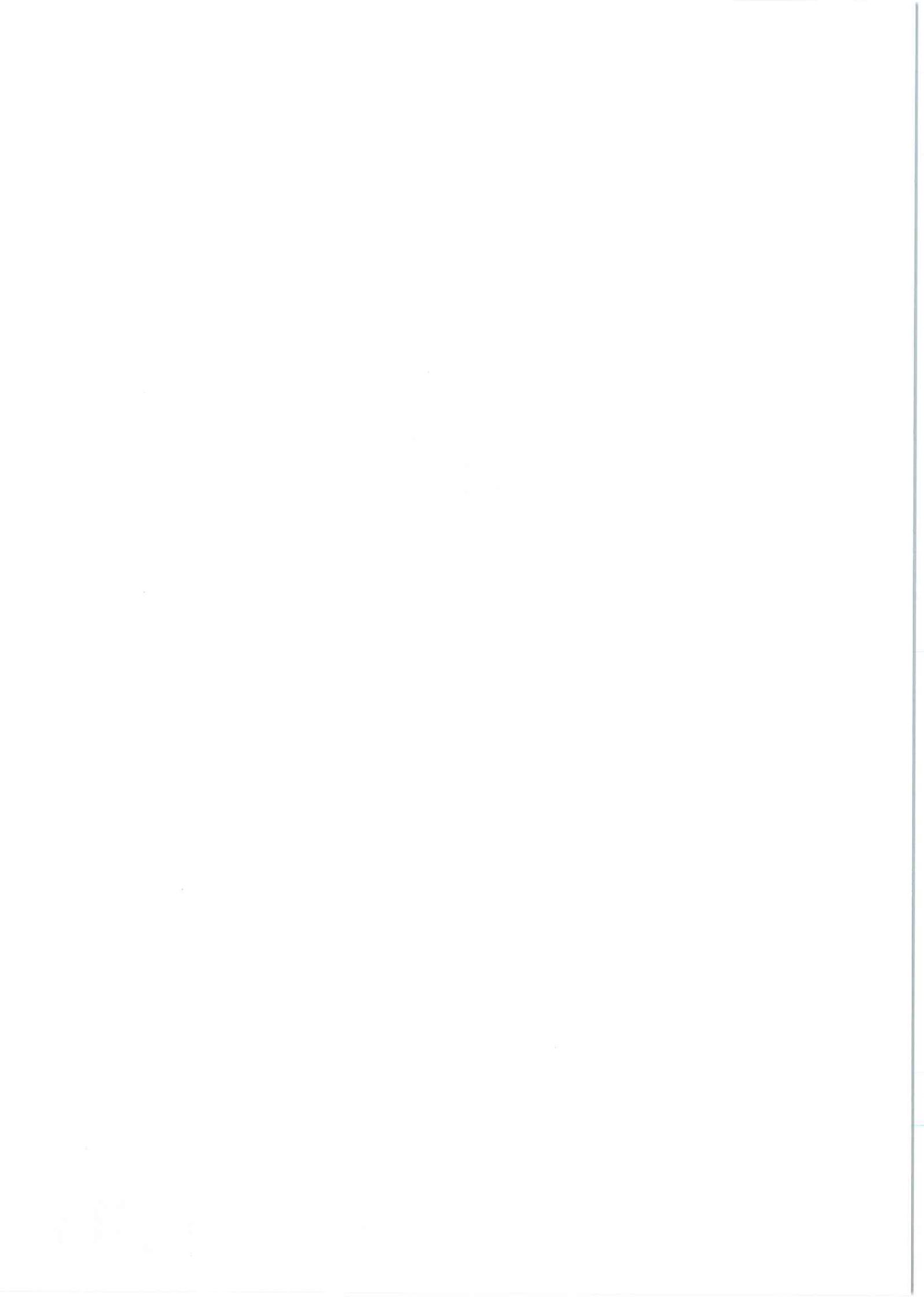


NFU comments on individual crossing proposals		NFU comment
Crossing ref	Crossing name	Proposal
CO1	Chittering	Private: No existing or proposed rights. Public: Existing footpath rights removed. Users diverted to C33 Jack O'Tell (Adam's Crossing) crossing to the north. Infrastructure: Existing level crossing infrastructure to be removed. Proposed fencing.
CO2	Nairns No 117	Private: Existing vehicular rights removed. Users diverted to Dimmocks Cote level crossing to north. Public: No existing or proposed rights. Infrastructure: existing level crossing infrastructure removed. Proposed fencing.
CO4	No name No 20	Private: No existing or proposed rights. Public: Existing footpath rights removed. Users diverted to bridge on Station Road to north. Infrastructure: Existing level crossing removed. Proposed fencing.
C11	Furlong Drove	Private: No existing or proposed rights. Public: Existing byway rights removed. Users either diverted to Straight Furlong under bridge to the northwest of Third Drove level crossing to the southeast. Infrastructure: Existing level crossing infrastructure removed. Proposed fencing.
C12	Silt Drove	Private: No existing rights. Proposed authorised user vehicular rights. Public: Existing highways changed to bridleway status. Motorised users diverted to Badgeney road level crossing to the north along existing adopted highway. Infrastructure: Existing level crossing infrastructure to remain and locks added to existing vehicular gates. Provision of 3m bridleway over the railway, mounting blocks, bridleway gates either side of the railway. Proposed fencing.
C13	Middle Drove	Private: No existing rights. Proposed authorised user vehicular rights. Public: Existing highway rights downgraded to bridleway status. Motorised users diverted to Whitemoor Drove level crossings to the east along existing adopted highway. Infrastructure: Existing level crossing infrastructure to remain and locks added to existing vehicular gates. Provision of 3m bridleway over the railway, mounting blocks, bridleway gates either side of the railway. Proposed fencing.

C14	Eastrea Cross Drove	<p>Private: No existing or proposed rights. Public: Existing footpath rights removed. Users diverted to Eastrea level crossing to the west. Infrastructure: Existing level crossing infrastructure removed. Proposed fencing.</p>	<p>New footpath creates area of unusable agricultural land running up to drain due to statutory 9m distance required from drain. Future ownership of this area unknown. Proposals will create a bridleway only. Width of 1.525m will not allow for agricultural traffic to utilise resulting in same outcome as C27, namely transferring agricultural traffic to the road network at a great cost to the business and other traffic users. Alternative proposals do not give safe or practical solutions. Access for users under 1.525m may lead to rural crime issues.</p>
C26	Poplar Drove No 30	<p>Private: No existing rights. Proposed authorised user vehicular rights. Public: Existing highways rights downgraded to byway with a TRO provided between prescribed points for a width of 1.525m. Infrastructure: Existing UWC gates to remain and locks added. Provision of mounting blocks and bridleway gates either side of the railway.</p>	<p>Closing this crossing would have a detrimental practical and economic impact on the agricultural business affected and transfer agricultural traffic to the road network. The crossing is used to access land for field operations throughout the year as determined by the growing season. Alternative proposals do not give safe or practical solutions.</p>
C27	Willow Row/Road	<p>Private: No existing or proposed rights. Public: Existing highway rights removed. Users diverted to C26 Poplar Drove level crossing. Infrastructure: Existing level crossing infrastructure removed. Proposed fencing.</p>	<p>Closing this crossing would have a detrimental practical and economic impact on the agricultural business affected. The crossing is used to access land for field operations throughout the year as determined by the growing season. Alternative proposals do not give safe or practical solutions.</p>
C33	Jack O'Tell	<p>Private: Existing vehicular rights removed. Users diverted to Bannolds crossing to the south long private farm tracks & public highway. Public: Existing footpath rights retained. Infrastructure: Existing vehicular level crossing infrastructure removed. Proposed fencing, proposed provision of pedestrian kissing gate.</p>	<p>Closing this crossing would have a detrimental practical and economic impact on the agricultural business affected. The crossing is used to access land for field operations throughout the year as determined by the growing season. Alternative proposals do not give safe or practical solutions. Justification for keeping the pedestrian access not known.</p>
C34	Fyson's	<p>Private: Existing vehicular rights removed. Users diverted to Bannolds crossing to the south long via public roads. Public: No existing or proposed rights. Infrastructure: Existing level crossing infrastructure removed. Proposed fencing.</p>	<p>Closing this crossing would have a detrimental practical and economic impact on the agricultural business affected. The crossing is used to access land for field operations throughout the year as determined by the growing season. Alternative proposals do not give safe or practical solutions.</p>

Appendix 3

Emails to Bruton Knowles And Network Rail



Louise Staples

From: Louise Staples
Sent: 06 April 2017 09:44
To: Andrew Prowse
Subject: RE: Anglia Crossing Closure Consultation published - deadline for Cambridgeshire 25 April

Dear Andrew

Many thanks for coming back to me and look forward to hearing from someone at Network Rail.

Regards

Louise

Louise Staples MRICS, FAAV

Rural Surveyor
NFU
Agriculture House
Stoneleigh Park
Stoneleigh
Warwickshire
CV8 2TZ

Direct line: 02476 858558
Fax: 02476 858559
Mobile: 07799384359

From: Andrew Prowse [<mailto:Andrew.Prowse@brutonknowles.co.uk>]
Sent: 06 April 2017 09:41
To: Louise Staples
Cc: Hannah Padfield
Subject: RE: Anglia Crossing Closure Consultation published - deadline for Cambridgeshire 25 April

Louise

Thank you for your email. I am currently awaiting instructions in relation to post deposition matters. I have relayed your email to Network Rail and someone will contact you in due course.

Regards

Andrew



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From: Louise Staples [Louise.Staples@nfu.org.uk]

Sent: 05 April 2017 15:31

To: Andrew Prowse

Cc: Hannah Padfield

Subject: Anglia Crossing Closure Consultation published - deadline for Cambridgeshire 25 April

Dear Andrew

I have been given your contact details by my regional colleague Hannah Padfield and I am getting in touch direct due to the impact some of the proposed network rail crossing closures would have on some of our members farm businesses. We believe that Network Rail has not considered previous responses that we have submitted and so now urgently need to have a meeting with you and the project lead from Network Rail.

I would be grateful if you could contact me as soon as possible so that we can arrange a meeting.

Regards

Louise

Louise Staples MRICS, FAAV

Rural Surveyor
NFU
Agriculture House
Stoneleigh Park
Stoneleigh
Warwickshire
CV8 2TZ

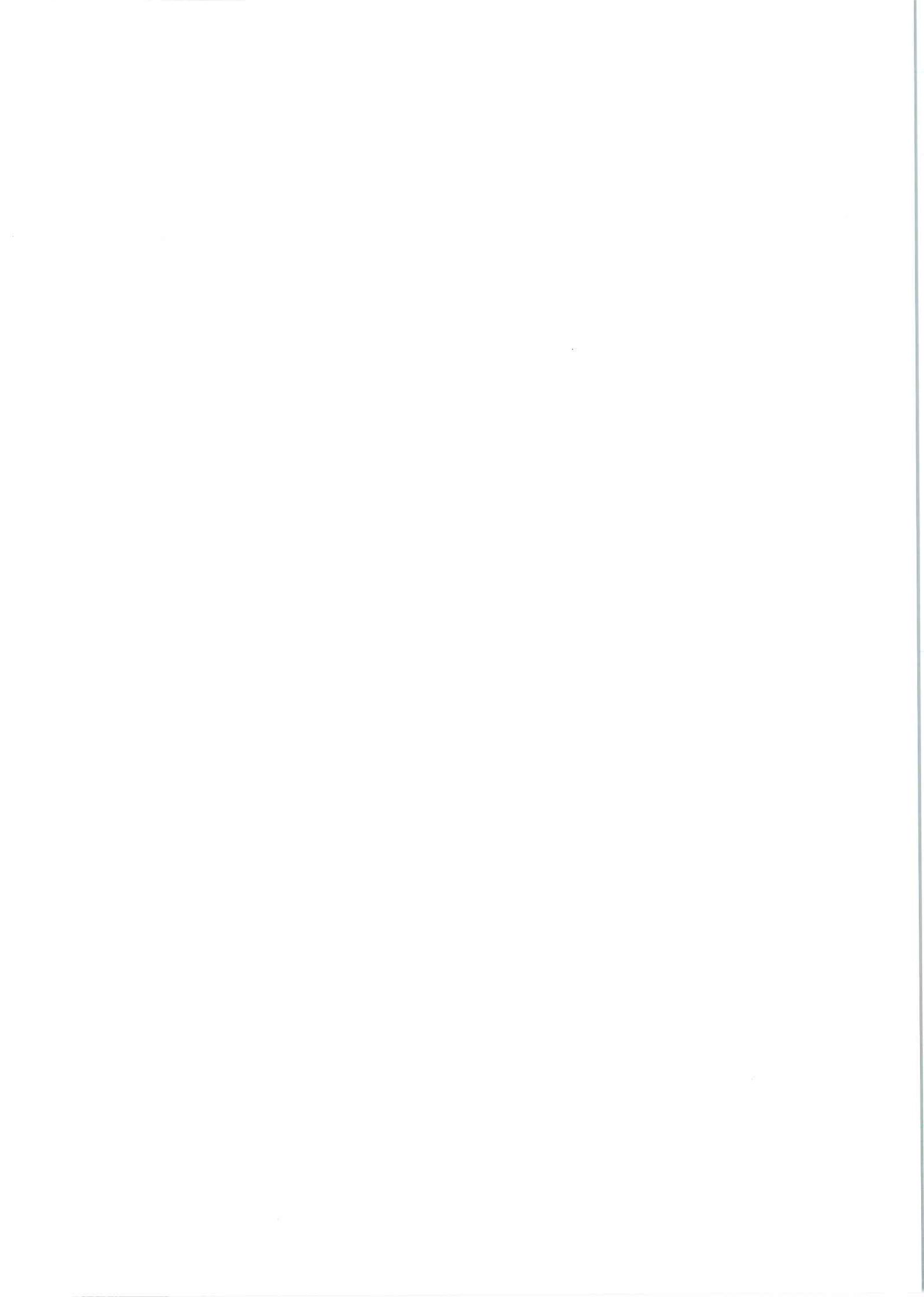
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Fax: 02476 858559

Mobile: 07799384359

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Louise Staples

From: Boulton Jonathan <Jonathan.Boulton@networkrail.co.uk>
Sent: 25 April 2017 14:02
To: Louise Staples
Subject: RE: Network Rail Level Crossing Closure Orders

Louise,

Thank you for this, I have circulated this round and will get back to you with a response (either from myself or it may come on behalf of the project) asap,

Kind regards

Jonathan



Property

Jonathan Boulton
Surveyor (Anglia)
Property Services
1 Eversholt Street
London NW1 2DN
M 07710 939865
E jonathan.boulton@networkrail.co.uk
www.networkrail.co.uk/property

From: Louise Staples [<mailto:Louise.Staples@nfu.org.uk>]
Sent: 25 April 2017 13:57
To: Boulton Jonathan
Subject: FW: Network Rail Level Crossing Closure Orders

Dear Jonathan

Please find attached our response to the consultation submitted today to DFT. I would be grateful if you could please come back to me as soon as possible with any information you have in regard to any of the questions raised.

Many thanks

Regards

Louise

From: Martin Rogers
Sent: 25 April 2017 10:21
To: transportandworksact@dft.gsi.gov.uk
Subject: Network Rail Level Crossing Closure Orders

To whom it may concern,

Please find attached the NFU's response to the proposed orders submitted by Network Rail under the Transport and Works Act 1992 to remove or downgrade 130 level crossings across Cambridgeshire, Suffolk and Essex. I also enclose a copy of individual responses which have been received from our membership.

Kind Regards

Martin Rogers

Flood management & Access Adviser

National Farmers Union (NFU)

Agriculture House
Stoneleigh Park
Stoneleigh
Warwickshire
CV8 2TZ
Tel: 024 7685 8645



The voice of British farming - www.nfuonline.com

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Louise Staples

From: Boulton Jonathan <Jonathan.Boulton@networkrail.co.uk>
Sent: 14 June 2017 09:56
To: Louise Staples
Subject: Meeting with the NFU
Attachments: Network Rail level crossing closure orders NFU response.pdf; NFU member individual comments.pdf

Louise,

Further to our various emails on the subject of the Anglia Level Crossing Closure Transport for Works Act Order, would representatives of the NFU be available to meet the relevant individuals within Network Rail to discuss the matters raised in the objection you submitted? (attached again for reference). If so if you could send me some dates/times when your representatives would be free I will co-ordinate matter on my end as well,

Happy to discuss

Kind regards

Jonathan



Jonathan Boulton
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Appendix 4

A P Burlton (Farms) Ltd, Valley Farm, Meldreth - Crossing C04 – No 20

C04 - No. 20. MALA. 2.06.2016.



Level crossing being discussed

Other level crossings

Alternative Options

Red Route
 A solid line indicates a proposed new Public Right of Way (type to be determined).
 Other line types using the above route option colours indicate use of existing Public Rights of Way.
 Right of way extinguishments are still to be determined and are not shown for clarity given multiple options.

Existing Public Rights of Way

- Footpath
- Bridleway
- Restricted byway
- Byway open to all traffic
- Highway (where used)

If this line is in a colour, this denotes use by a route option (see above).

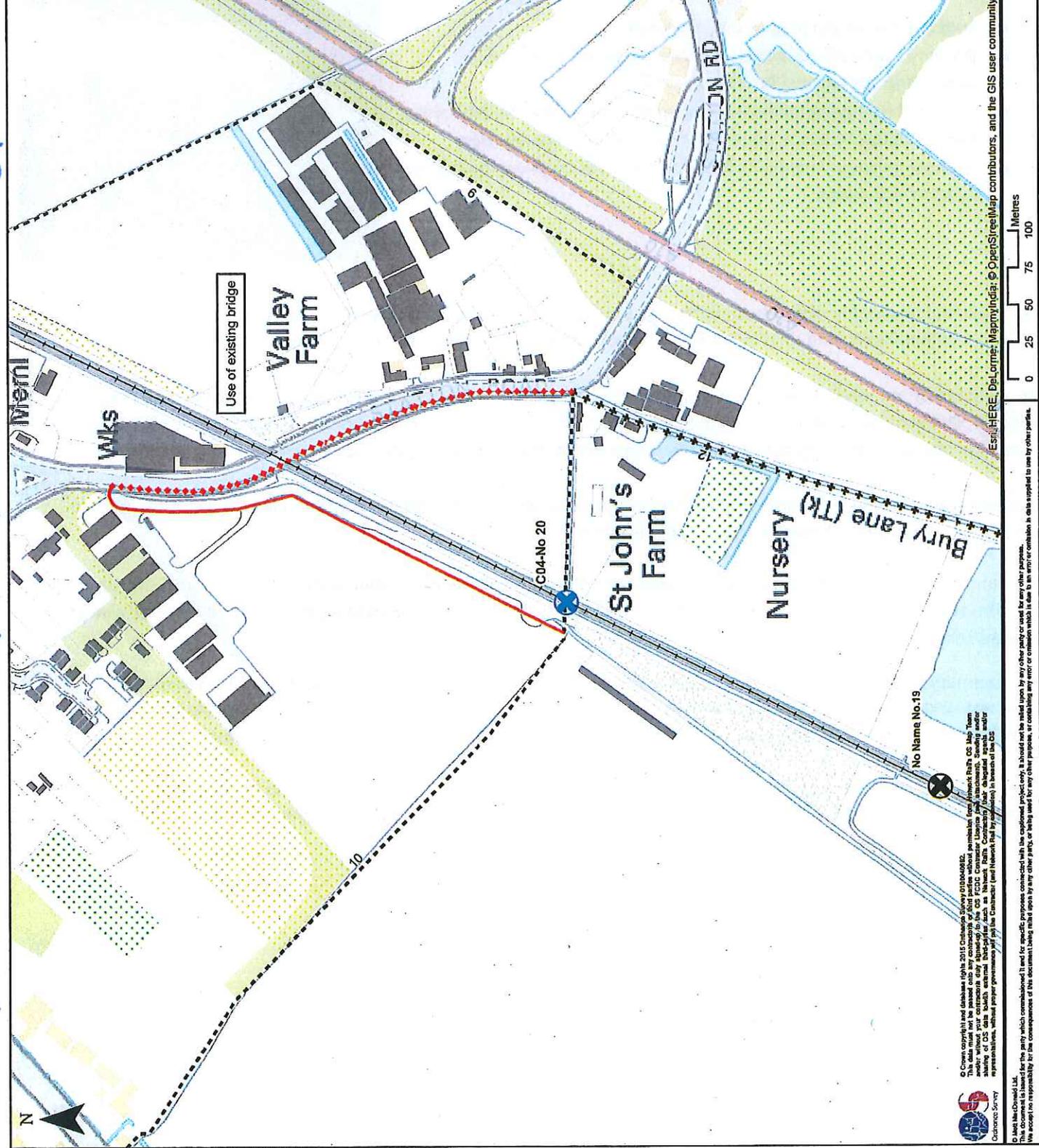
Mott MacDonald
 2 Brewery Wharf
 Kendall Street
 Leeds
 LS10 1JR
 United Kingdom
 +44 (0)113 3946700

Anglia LX Consultation Stage 1

C04 - No. 20
 Cambridgeshire
 Meldreth CP

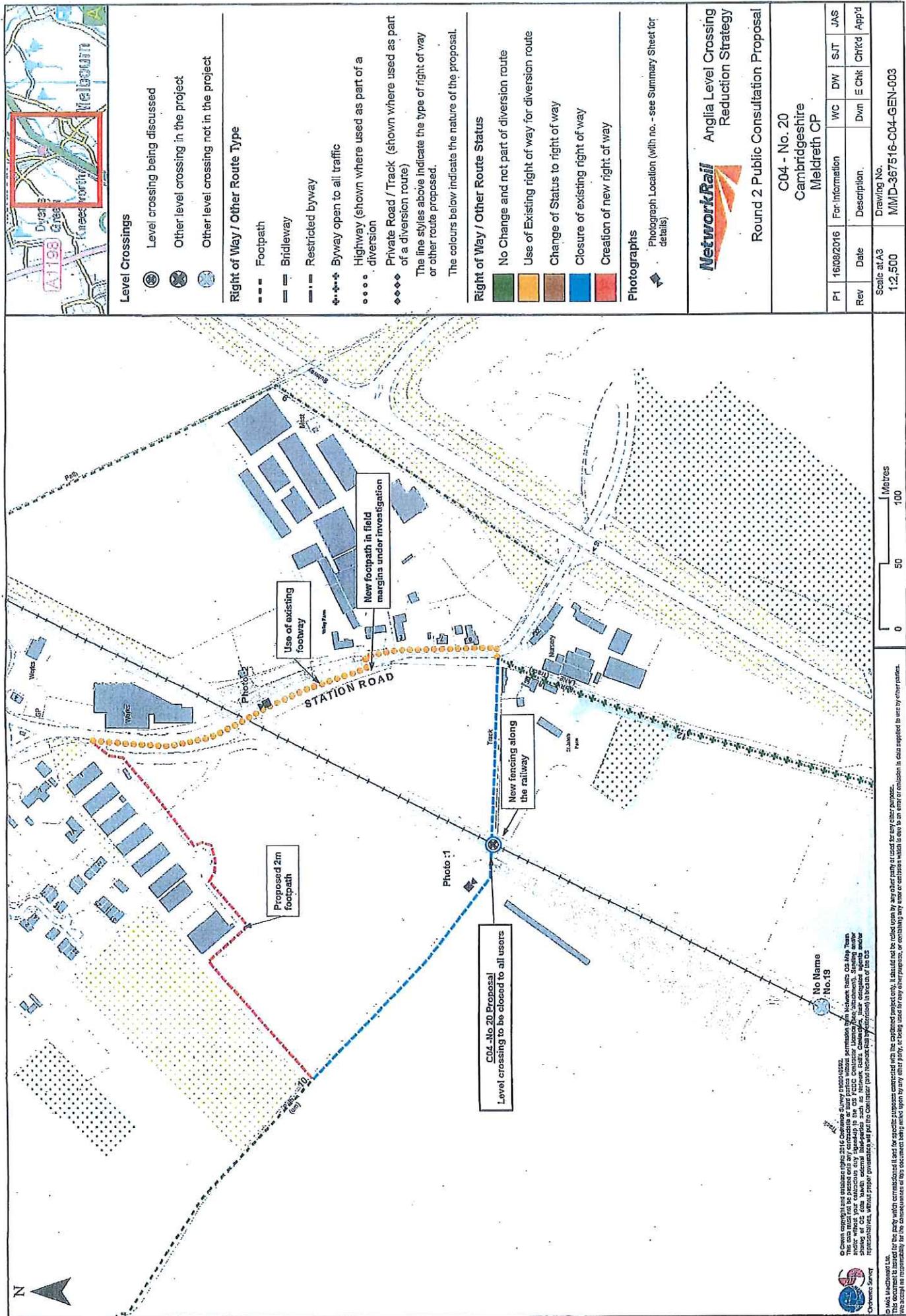
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P3	02/06/2016	Revised Format	WC	-	SJP	JAS
P2	20/01/2016	NR Comments	WC	-	SJP	JAS
P1	16/10/2015	For Information	WC	-	SJP	JAS

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 Drawing No: MMD-367516-C04-GEN-002



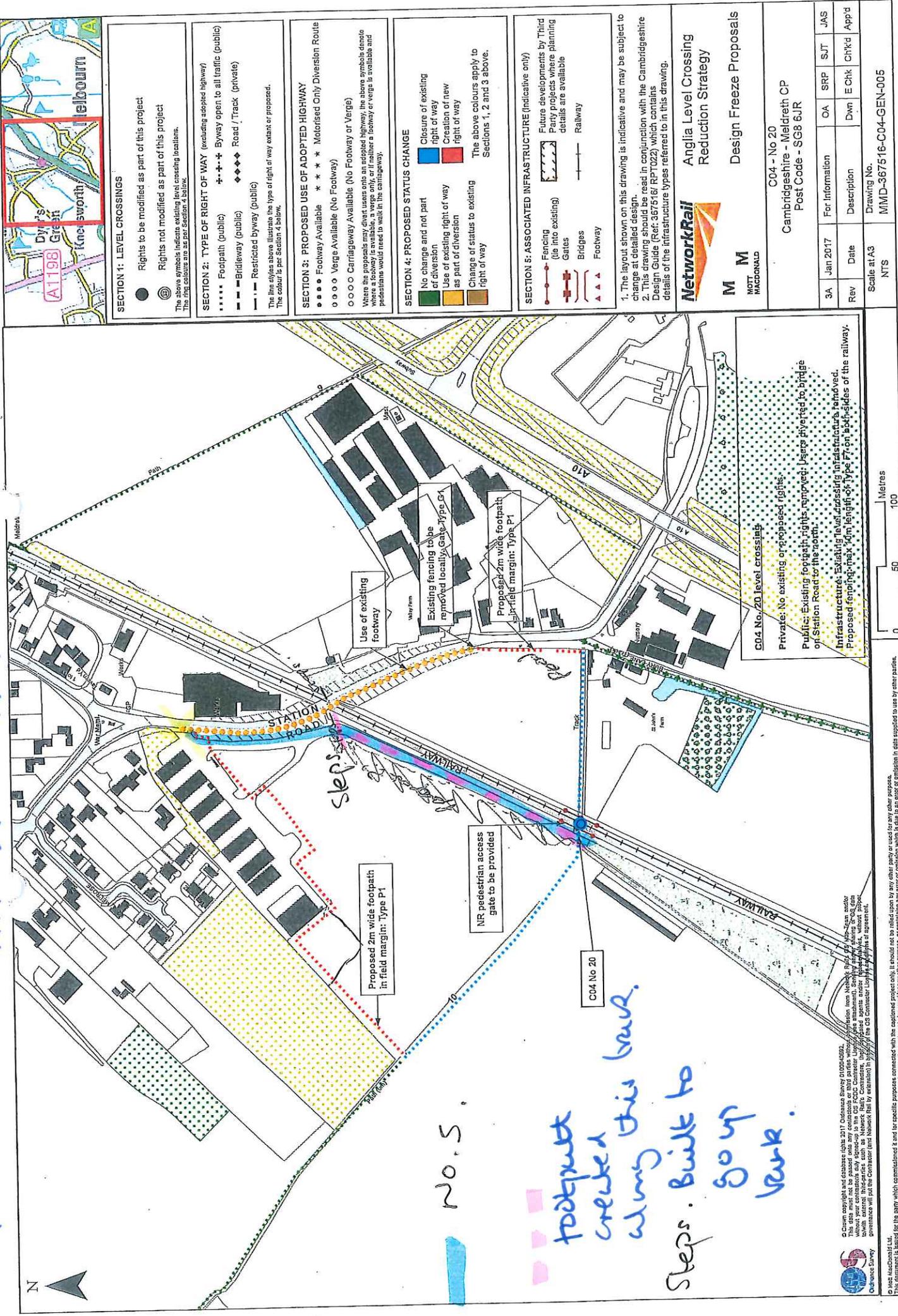
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C04 - NO. 20. MAR B. 16. 08. 2016.



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C04 - No. 20 MAP D. PROPOSED SOLUTION.



SECTION 1: LEVEL CROSSINGS

- Rights to be modified as part of this project
- ⊕ Rights not modified as part of this project

The above symbols indicate existing level crossing locations. The ring colours are as per Section 2 below.

SECTION 2: TYPE OF RIGHT OF WAY (excluding adopted highway)

- Footpath (public)
- Bridleway (public)
- Restricted byway (public)
- Byway open to all traffic (public)
- ◆◆◆◆ Road / Track (private)

The line styles above illustrate the type of right of way, extant or proposed. The colour is per Section 4 below.

SECTION 3: PROPOSED USE OF ADOPTED HIGHWAY

- Footway Available
- Verge Available (No Footway or Verge)
- Carriageway Available (No Footway or Verge)

Where the proposals may affect users onto an adopted highway, the above symbols denote where the proposals are available, a verge only, or if neither a footway or verge is available and pedestrians would need to walk in the carriageway.

SECTION 4: PROPOSED STATUS CHANGE

- No change and not part of diversion
- Closure of existing right of way
- Use of existing right of way as part of diversion
- Creation of new right of way
- Change of status to existing right of way

The above colours apply to Sections 1, 2 and 3 above.

SECTION 5: ASSOCIATED INFRASTRUCTURE (indicative only)

- Fencing (fit into existing)
- Gates
- Bridges
- Footway
- Railway

Future developments by Third Party projects where planning details are available

1. The layout shown on this drawing is indicative and may be subject to change at detailed design.
 2. This drawing should be read in conjunction with the Cambridgeshire Design Guide (Ref: 367516/ RPT023) which contains details of the infrastructure types referred to in this drawing.



Anglia Level Crossing Reduction Strategy
 Design Freeze Proposals

M M NOTT MacDonald

C04 - No 20		OA	SRP	SJT	JAS
Cambridgeshire - Meldreth CP		For Information			
Post Code - SG8 6UR		Description			
3A	Jan 2017	Rev	Date	Dwn	E Chk
Scale at A3	NTS	Drawing No.		MMD-367516-C04-GEN-005	

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No. 5.

Footprint created along this bank. Steps. Built to go up bank.

Appendix 5

Ivan Martin & Son, Honey Hill, Pymoor – Crossing C11 Furlong Drove

B.L & G.H Taylor, Willow Farm, Pymoor - Crossing C11 Furlong Drove

Appendix 6

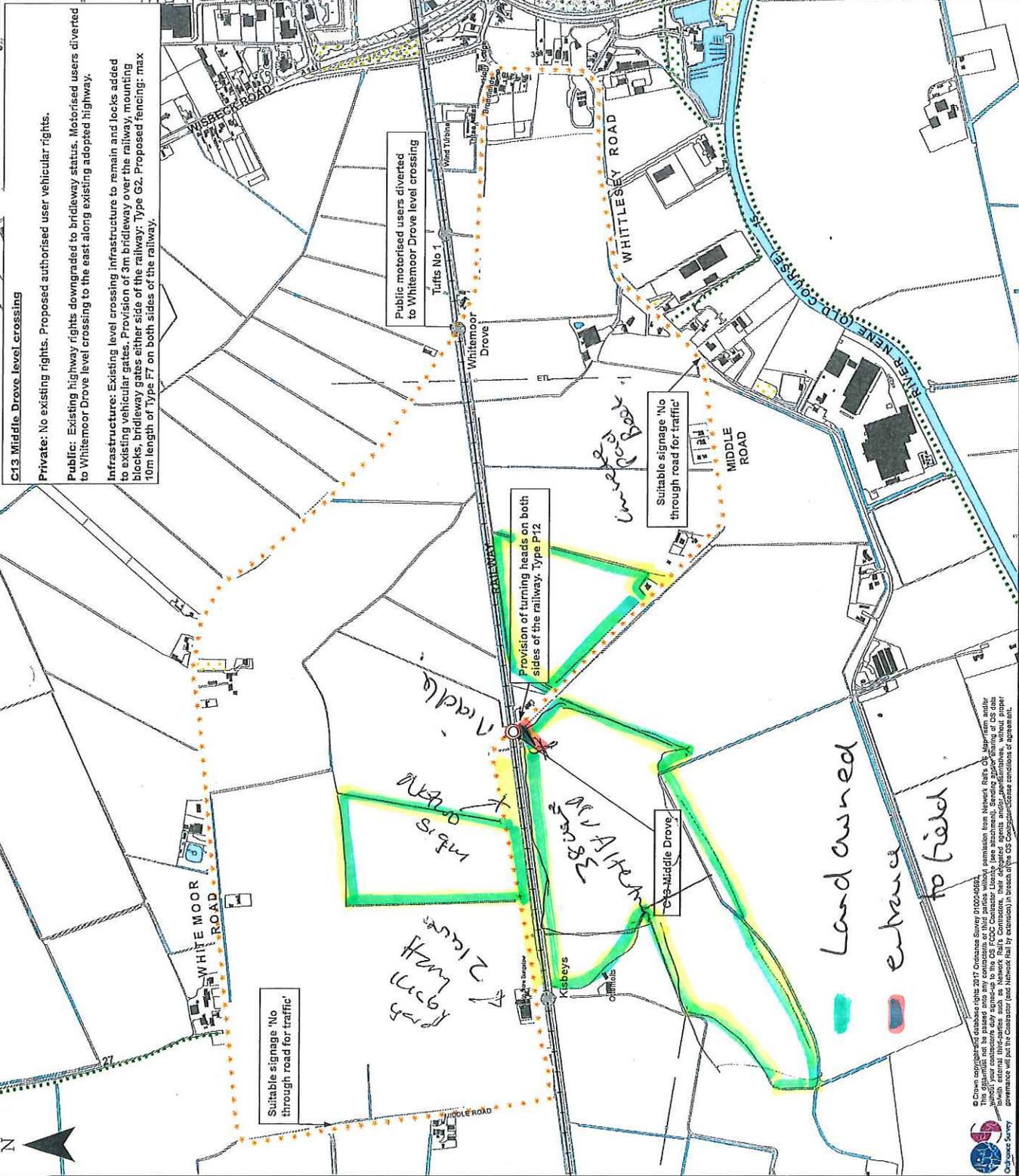
Mr and Mrs Alterton Crossings - C13 Middle Drove



C13. MIDDLE DROVE MAP A (1)

JAN 17.

Mr & Mrs Atterton



SECTION 1: LEVEL CROSSINGS

- Rights to be modified as part of this project
- Rights not modified as part of this project

The above symbols indicate existing level crossing locations. The line colours are as per Section 4 below.

SECTION 2: TYPE OF RIGHT OF WAY

- Footpath (public)
- Bidleway (public)
- Restricted byway (public)
- Byway open to all traffic (public)
- Road / Track (private)

The line styles above illustrate the type of right of way existing or proposed. The colour is per Section 4 below.

SECTION 3: PROPOSED USE OF ADOPTED HIGHWAY

- Footway Available
- Verge Available (No Footway)
- Carriageway Available (No Footway or Verge)

Where the proposals may divert users onto an adopted highway, the above symbols demonstrate whether a footway or verge is available and what provisions would need to be made in the carriageway.

SECTION 4: PROPOSED STATUS CHANGE

- Green: No change and not part of division
- Orange: Use of existing right of way as part or diversion
- Brown: Change of status to existing right of way
- Blue: Closure of existing right of way
- Red: Creation of new right of way

The above colours apply to Sections 1, 2 and 3 above.

SECTION 5: ASSOCIATED INFRASTRUCTURE (indicative only)

- Fencing (to be installed)
- Gates
- Bridges
- Footway
- Future developments by Third Party projects where planning details are available
- Railway

1. The layout shown on this drawing is indicative and may be subject to change at detailed design.
 2. This drawing should be read in conjunction with the Cambridgeshire Design Guide (Ref: 367516/ RP17022) which contains details of the infrastructure types referred to in this drawing.

NetworkRail Anglia Level Crossing Reduction Strategy
 Design Freeze Proposals

M M
 MOTT
 MACDONALD

C13 - Middle Drive
 Cambridgeshire - March CP
 Post Code - PE150AJ

9A	Jan 2017	For Information	OA	SRP	SJT	JAS
Rev	Date	Description	Dwn	E Chk	Ch'kd	App'd

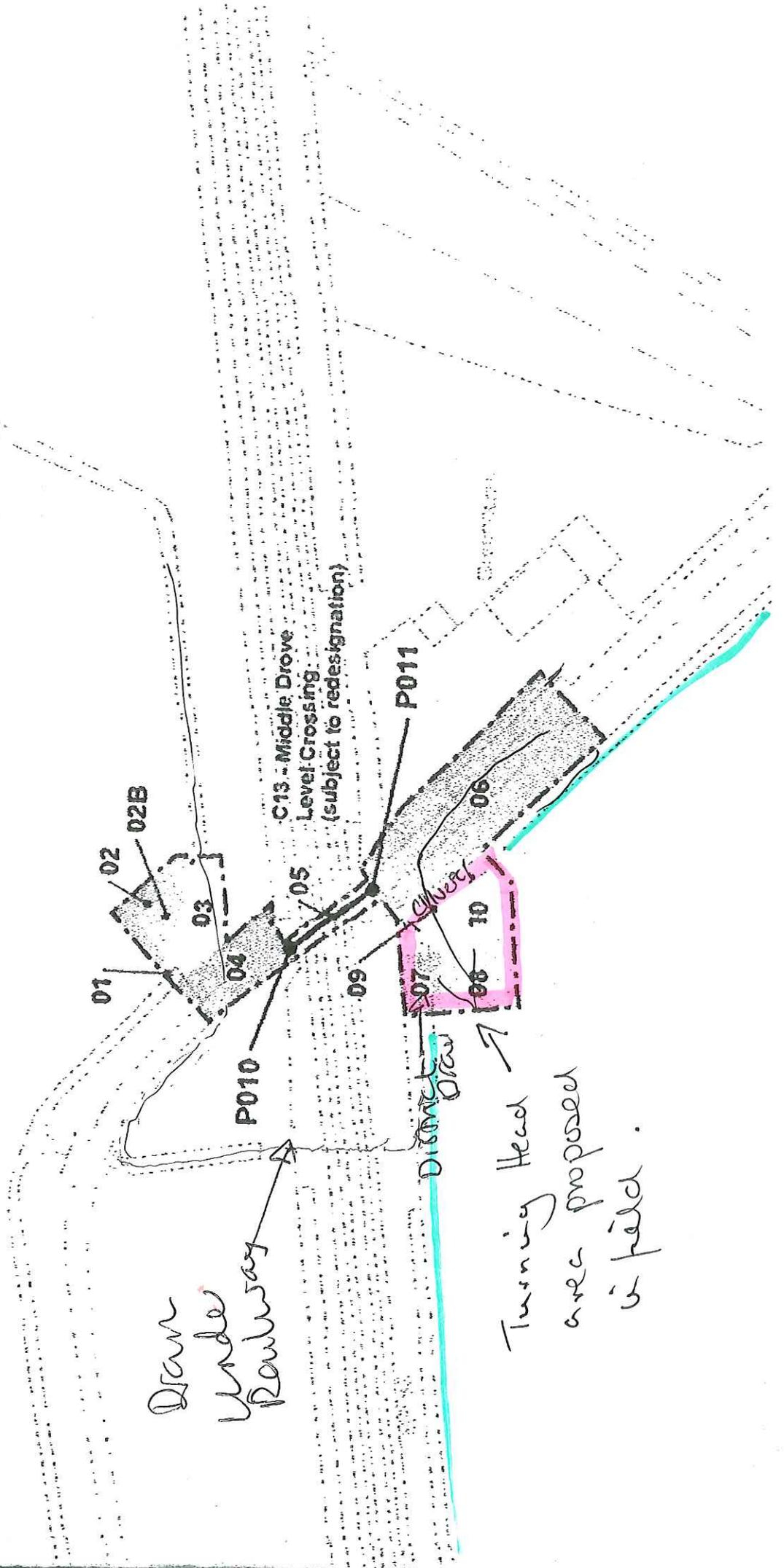
Scale at A3
 NTS

Drawing No.
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C13. Middle Drove. MAP A (2)

Proposed Turning Heads.



Turning Head
area proposed
in field.

C.B. Middle Drove.

MAP B.

IOB Drains.

3856

ED & Ward City



Drain

DRAIN

DRAIN

9.1m

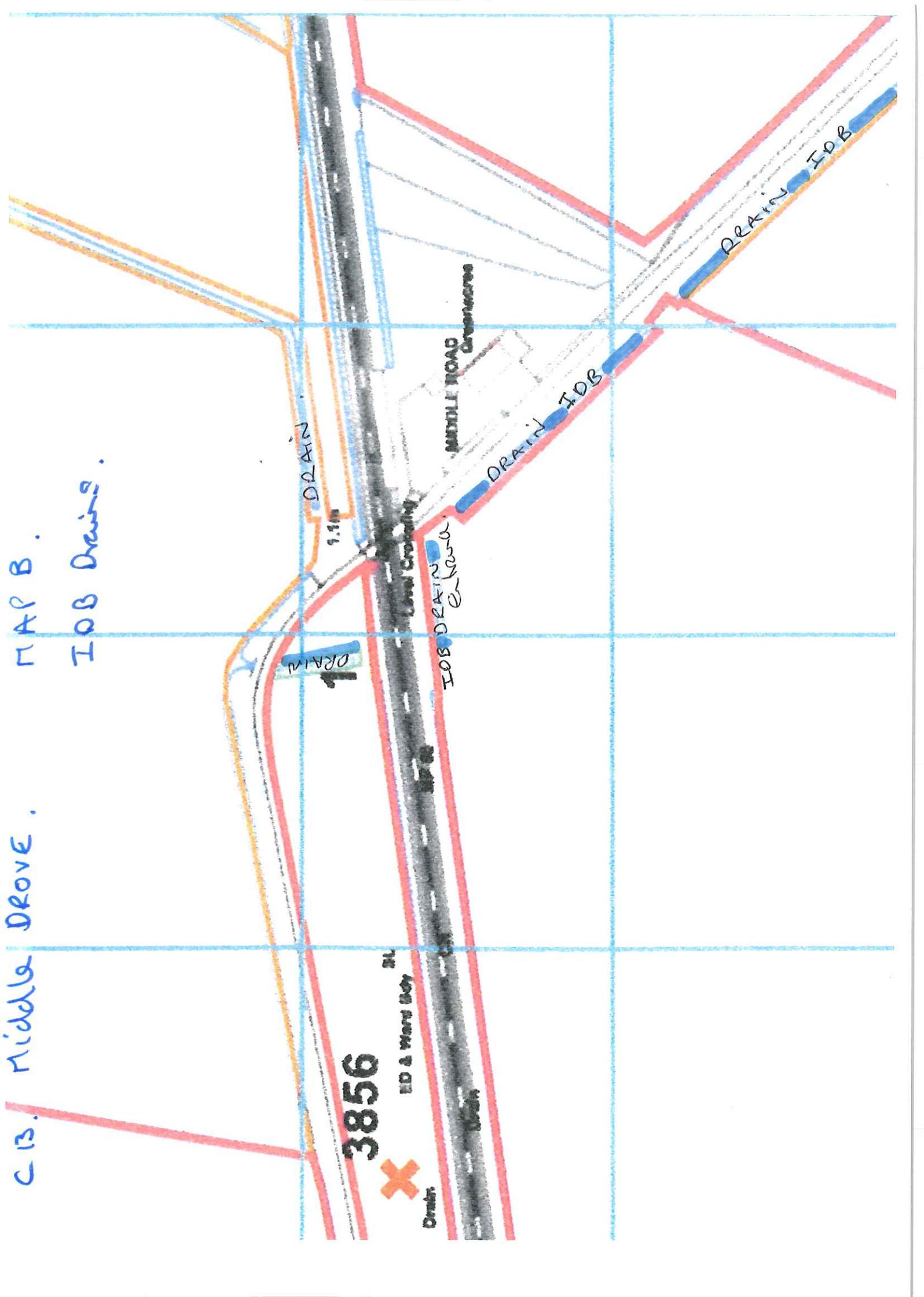
Level Crossing

IOB DRAIN

MIDDLE ROAD

DRAIN IOB

DRAIN IOB



the receipt of a notice served on him by the Board requiring him so to do, cut down and keep cut down all trees, willows, shrubs, weeds, grasses, reeds, rushes or other vegetable growths growing in or on the bank of a watercourse, within such reasonable time as may be specified in the notice, and shall remove such trees, willows, shrubs, weeds, grasses, reeds, rushes or other vegetable growth from the watercourse immediately after the cutting thereof. Provided that, where a hedge is growing on the bank of a watercourse, nothing in this Byelaw shall extend to require more than the pruning of the hedge so as to prevent it from growing over or into the watercourse, and the removal of the resultant cuttings.

(ii) The occupier of any bank of a watercourse or any part thereof shall upon being required to do so by the Board by notice within such reasonable time as may be specified remove any fallen trees or willows or any fallen limbs or branches thereof from the watercourse.

11. Restriction on erections installations excavations and tree planting in across or within 9 (nine) metres of a watercourse.

No person without the previous consent of the Board shall:-

(i) erect or construct or cause or permit to be erected or constructed any building pylon post wall fence wharf jetty quay pier bridge loading stage landing stage piling groyne revetment steps staging gangway mooring or any other structure whatsoever whether temporary or permanent or place fix or install or cause or permit to be placed fixed or installed any machinery plant engine or mechanical device whatsoever or plant or cause or permit to be planted any tree shrub willow or other similar growth in under over or across any watercourse or drain control work or in on or over any bank of any watercourse or within 9 metres measured horizontally of the landward toe of the bank where there is an embankment or wall or within 9 metres measured horizontally of the top of the batter where there is no embankment or wall or where the watercourse is enclosed within 9 metres measured horizontally of the enclosing structure.

(ii) place or affix or cause or permit to be placed or affixed any gas or water main or sewer or any pipe or appliance whatsoever or any electrical main wire or cable or any other cable or wire whatsoever in under through or over any watercourse or drain control work or in under over or through the bank of any watercourse or within 9 metres measured horizontally of the landward toe of the bank where there is an embankment or wall or within 9 metres measured horizontally of the top of the batter where there is no embankment or wall or where the watercourse is enclosed within 9 metres measured horizontally of the enclosing structure.

(iii) make or cut or cause or permit to be made or cut any excavation or any tunnel drain culvert or any other passage for water or any liquid whatsoever in into under or out of any watercourse or in or through any bank of any watercourse or drain control work or within 9 metres of such watercourse or work.

Provided that:-

(a) this Byelaw shall not apply to any temporary works executed in an emergency but a person executing any work so excepted shall as soon as practicable inform the Board in writing of the execution and of the circumstances in which it was executed and comply with any directions

the Board may give with regard thereto.

(b) Byelaw 33(a) shall not apply to a direction of the Board under this Byelaw.

12. Repairs to Buildings

(i) The owner of any building or structure in under or over a watercourse or on the banks thereof shall, upon receipt of a notice from the Board that because of its state of disrepair:-

(a) the building or structure is causing or is in imminent danger of causing an obstruction to the flow of the watercourse, or

(b) the building or structure is causing or is in imminent danger of causing damage to the bank of the watercourse,

carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction or damage as the case may be within such reasonable time as is specified in the notice.

(ii) Provided that Byelaw 33(a) shall not apply to a notice to be given or served by the Board under this Byelaw.

13. Control of Vermin

The occupier of any bank of a watercourse or any part thereof shall upon being required by the Board of notice, within such reasonable time as may therein be specified, take such steps as are specified in the notice, being such steps as the Board consider necessary and practicable for preventing the bank from becoming infested by rabbits, rats, coypu, foxes and moles or any other wild animal not being an animal listed in Schedule 5 or Schedule 6 to the Wildlife and Countryside Act 1981.

14. Damage by animals to banks

All persons using or causing or permitting to be used any bank of any watercourse for the purpose of grazing or keeping any animal thereon shall take such steps including fencing as are necessary and reasonably practicable and shall comply with such reasonable directions as may from time to time be given by the Board to prevent the bank or the channel of the watercourse from being damaged by such use;

Provided that nothing in this Byelaw shall be deemed to affect or prevent the use of, for the purpose of enabling animals to drink at it, any place made or to be made or constructed as approved by the Board.

15. Vehicles not to be driven on banks

No person shall ride use or drive or permit or cause to be ridden used or driven any animal, cart, vehicle or implement of any kind whatsoever on, over or along any bank of a watercourse in such manner as to cause damage to such bank.

16. Banks not to be used for storage

No person shall use or cause or permit to be used any bank of any watercourse or any drain control work for the purpose of depositing or stacking or storing or keeping any rubbish or goods or any material or things thereon in such a manner as by reason of the weight, volume or nature of such rubbish, goods, material or things to cause or be likely to cause damage to or endanger the stability of the bank or channel of the watercourse or the drain control work or interfere with the operations or access of the Board or the right of the Board to deposit spoil on the bank of the watercourse.

30. Breach of Conditions of Consent

Where the Board give their consent under these Byelaws for the doing of any act subject to any conditions they are authorised to impose a breach of the conditions shall be deemed as regards liability to a fine and other consequences equivalent to the doing of the act without the required consent.

31. Savings for other Bodies

Nothing in these Byelaws shall:-

- (a) conflict with or interfere with the operation of any Byelaw made by the Anglian Water Authority or by the Middle Level Commissioners or any navigation, harbour or conservancy authority but no person shall be liable to more than one penalty or in the case of a continuing offence more than one daily penalty in respect of the same offence;
- (b) restrict, prevent, interfere with or prejudice the exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by:-
 - (i) any public utility undertaking carried on by a local authority under any Act or under any Order having the force of an Act;
 - (ii) any undertakers for the supply of water to any place;
 - (iii) British Gas plc;
 - (iv) the Central Electricity Generating Board or any Area Board established under the Electricity Act 1947;
 - (v) any navigation, harbour or conservancy authority;
 - (vi) the British Railways Board with respect to the construction, use or maintenance and repair of any railway property or so as to interfere with the free uninterrupted and safe use of any railway of the British Railways Board and the traffic thereon and the use by passengers of railway property;
 - (vii) any local authority;
 - (viii) any highway authority for the purposes of the Highways Act 1980 (as amended by any subsequent enactment) in relation to any highway whether or not maintainable at public expense;
 - (ix) the Anglian Water Authority;
 - (x) the Post Office;
 - (xi) any undertaking engaged in the operation of a telecommunications system;
 - (xii) the British Airports Authority;
 - (xiii) the Civil Aviation Authority;
 - (xiv) the British Waterways Board;
 - (xv) the Middle Level Commissioners;
 - (xvi) the British Coal Corporation;
- (c) restrict, prevent, interfere with or prejudice any right of a highway authority to introduce into any watercourse surface water from a highway, for which it is the highway authority.
- (d) affect any liability arising otherwise than under or by reason of these Byelaws.

32. Saving for Crown Lands

Nothing in these Byelaws shall operate to prevent the removal of any substance on, in or under (or the erection of any structure, building or machinery or any cable, wire or pipe on, over or under) lands belonging to

Her Majesty in the right of the Crown by any person thereunto authorised by the Crown Estate Commissioners.

33. Arbitration

(a) Where by or under these Byelaws (except Byelaws 4, 11, 12 and 22) any person is required by a notice given by the Board to do any work to the satisfaction of the Board or to comply with any directions of the Board, he may within 21 days after the service of such notice on him give to the Board a counter-notice in writing objecting to either the reasonableness of or the necessity for such requirement or directions, and in default of agreement between such person and the Board the dispute shall, when the person upon whom such notice was served is a drainage or local authority be referred to the Minister whose decision shall be final, and in any case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party. Where such a counter-notice has been given to the Board the operation of the notice shall be suspended until either agreement has been reached or the dispute has been determined by arbitration in accordance with the provisions of this Byelaw.

(b) Where by or under these Byelaws any person is required by a notice given by the Board to do any work to the satisfaction of the Board or to comply with any directions of the Board and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with, such dispute if it arises between a drainage authority or local authority and the Board shall be referred to the Minister whose decision shall be final, and in any other case shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

(c) Where by or under these Byelaws any person is required to refrain from doing any act without the consent of the Board such consent shall not be unreasonably withheld and may be either unconditional or subject to such reasonable conditions as the Board may consider appropriate and where any dispute arises as to whether in such a case the consent of the Board is being unreasonably withheld, or as to whether any conditions subject to which consent is granted are unreasonable, such dispute shall if it arises between a drainage authority or local authority and the Board be referred to the Minister whose decision shall be final, and in any other case such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

34. Notices

Notices and any other documents required or authorised to be served or given under or by virtue of these Byelaws shall be in writing and if served or given by the Board shall be under the hand of the Clerk for the time being of the Board or other duly authorised Officer and shall be sufficiently served or given in the manner prescribed by section 108 of the Act. For the purposes of these Byelaws the word "premises" in the said section 108 shall include a vessel.

Appendix 7

Messrs M and N White, 60 Burnt House Road - Crossing C14 Eastrea Cross Drove

R. J Dale, 43 The Fold, Coates - Crossing C14 Eastrea Cross Drove

C14 EASTREA CROSS DROVE MAP A. 16.8.2016.



Level Crossings

- Level crossing being discussed
- Other level crossing in the project
- Other level crossing not in the project

Right of Way / Other Route Type

- Footpath
- Bridleway
- Restricted byway
- Byway open to all traffic
- Highway (shown where used as part of a diversion)
- Private Road / Track (shown where used as part of a diversion route)

The line styles above indicate the type of right of way or other route proposed.

The colours below indicate the nature of the proposal.

Right of Way / Other Route Status

- No Change and not part of diversion route
- Use of Existing right of way for diversion route
- Change of Status to right of way
- Closure of existing right of way
- Creation of new right of way

Photographs

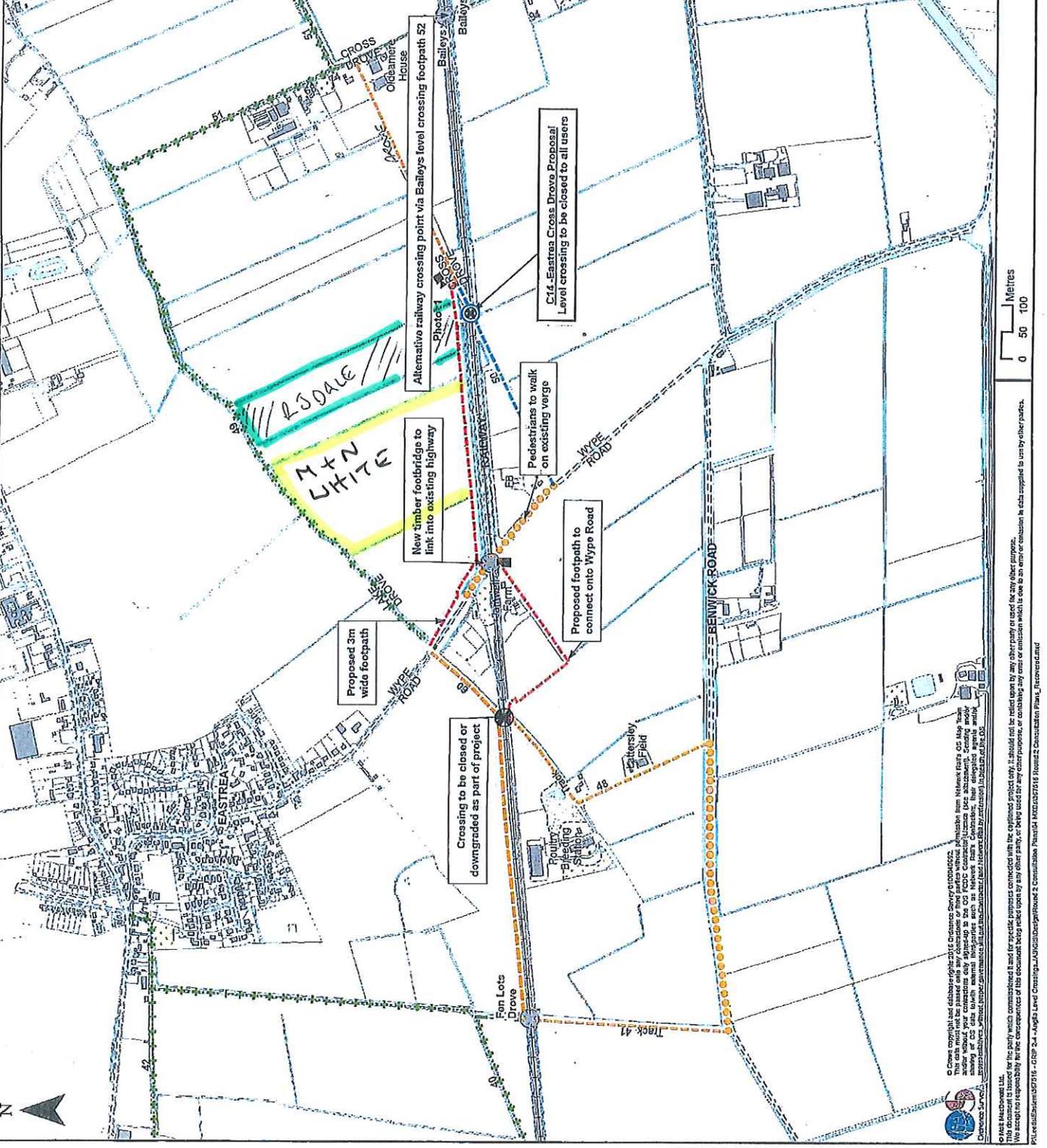
Photograph Location (with no. - see Summary Sheet for details)

NetworkRail Anglia Level Crossing Reduction Strategy

Round 2 Public Consultation Proposal

C14 - Eastrea Cross Drive
Cambridgeshire
Whittlesey CP

P1	16/08/2016	For Information	WC	DW	SJT	JAS
Rev	Date	Description	Divn	E Chk	Chk'd	App'd
Scale at A3 1:7,000						Drawing No. MMD-367516-C14-GEN-003



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Network Rail
MMD-367516-C14-GEN-003
16/08/2016

Appendix 8

Matthew Murfitt, Willow Row Farm - Crossing C27 Willow Row
Crossing C26 Poplar Drove

Hannah Padfield

From: matthew murfitt <mattmurfitt@hotmail.co.uk>
Sent: 06 January 2017 10:01
To: anglialevelcrossings@networkrail.co.uk; Hannah Padfield
Subject: Network rail anglia Level crossing third proposals

Dear Sir/Madam,

I am writing in response to the third proposal from network rail to the future of crossing c27 on Willow row drove, Littleport.

I have attended both public consultations to which I felt our opinions had been listened to. After the first meeting, one of your agents came out and I showed him exactly what the crossing is used for and the problems with closing it. On the second consultation it was proposed that Willow row drove would be downgraded to a bridleway, and the crossing would be also but private vehicle access for myself would be allowed. This was the best solution all round, as it would not cost anymore then a padlock for the crossing, and I would still have the vital access I need to run my business. Then in December you changed land agents, and without warning a new proposal is put through my letter box, saying you want to close the crossing and create a bridleway and bridge across privately owned land. Only by chance I had a meeting with your new land agent Andrew Prowse of Bruton Knowles, but to be honest he did not seem interested in any of our concerns.

It seems that there has been no thought to the consequences of the closure of this crossing. As the main user as the railway cuts my farm in two, I need daily access over this crossing to work my land and grow my crops. Over the years my family and I have worked closely with Network Rail, mainly with Mr John Prest to be as safe as possible with the crossing and have been trying to no avail to have lights put on them to make them safer. The knock on affects of tractor movements on the roads, inconvenience to the public, loss of time, cost of longer journeys ect has been completely overlooked. I am aware that the bottom line is cost cutting, so no thought has been given to wear on the roads through heavy machinery all times of year now being forced to use it. Also the cost of purchasing land and creating a new bridleway and bridge will be in the tens of thousands at least.

To summarise. If this crossing is closed, it will have a huge affect on my business both time and financially. I know my landlords(Cambridgeshire County Council, County Farms) have sent a letter explaining their issues with this including land deprecation. And the creation of a new bridleway for the near none existent horse travel we have on this drove is ridiculous. The safest and most cost effective solution would be to allow myself private vehicle access, that I need to run my business and move my produce back to my storage sheds, and reduce the drove to a bridleway.

I hope this has made my need for this crossing clear, as the affects of closing crossing c27 would be great to my business.

Yours Faithfully

Matthew Murfitt

Willow Row Farm,
Willow Row Drove,
Littleport.

Hannah Padfield

From: matthew murfitt <mattmurfitt@hotmail.co.uk>
Sent: 02 March 2017 08:26
To: Mallaby Hugo; Hannah Padfield
Subject: Fw: C27 Crossing proposal

Morning Hannah/Hugo

Please see below the email I have sent reference the proposed closure of the railway crossing. Any other assistance in this matter would be greatly appreciated.

Kind Regards,

Matt Murfitt

From: matthew murfitt <mattmurfitt@hotmail.co.uk>
Sent: 02 March 2017 08:23
To: anglialevelcrossings@brutonknowles.co.uk
Subject: C27 Crossing proposal

Dear Sir/Madam

Firstly, It feels that they you not listened to us about the importance of the crossing to our business. The railway crosses straight through the middle of our farm, and quite simply we need to cross the railway to access half of our farm.

The quoted figures of the crossings usage are from a weekend in early summer when the crossing was not used over a weekend. Maybe if you had come during harvest, when we are constantly using the crossing, then you would have seen how necessary this crossing is to the farm. A monitoring camera was placed on the crossing at the start of January but you have not used these figures in their proposal, why is this? 'n the proposal, you have listened to people who do not even use the crossing on a regular basis, but have not flagged up any of our concerns as the main user. With use of this crossing, we as a farming business can be self contained with all of our agricultural vehicles. If this proposal goes through, we will be forced onto the public highways to move our crops over the railway with these large vehicles and machines. Has any thought been given to the public safely and other possible implications this may have, Slow moving vehicles holding up the public, especially on the A10 which a main road to the coast, possible mud on roads, late night movement, wear to highways with heavy vehicles, public overtaking on narrow roads. When the complaints from the public start, how will network rail feel about dealing with those. Has any thought been given to the extra movement of Fertilisers and Chemicals that will also be forced onto the public highways. Between now and October we will be applying these to our crops, and with this proposal will be forced onto the roads and adding extra biological risks to the public in the event of accidental spillage or vehicle collision. If we were allowed private access over the crossing, we could remain self contained, away from the public and other road users and would not be a burden on anyone. There is also the cost implications to my business through time and diesel that we will incur with the diversions we will be forced to make. Who will be covering these unbudgeted costs? And the cost all of these proposals has had on network rail, when as discussed in June with the first land agent. If you were to

make the crossing private access and give us a key so it would be closed to the public, all the would be required would be a padlock!

Finally, the Attitude of the land agent on our chance meeting back in December with him left a lot to be desired. His whole demeanour and comments were totally unsympathetic to the issues closing the crossing would cause to our business. He had a single mind-set with no interest in our side of the discussion.

Hope this shows all of my issued, and look forward to hearing from you.

Kind Regards,

Matt Murfitt

Appendix 9 (a)

F C Palmer and Sons, Stowbridge Farm - Crossings C01 Chittering
C02 Nairns
C33 Jack O'Tell
C34 Fysons

**FC PALMER & SONS
FARM MAP
STOURBRIDGE FARM.**

**CHATTERING FARM
+ Red House.**

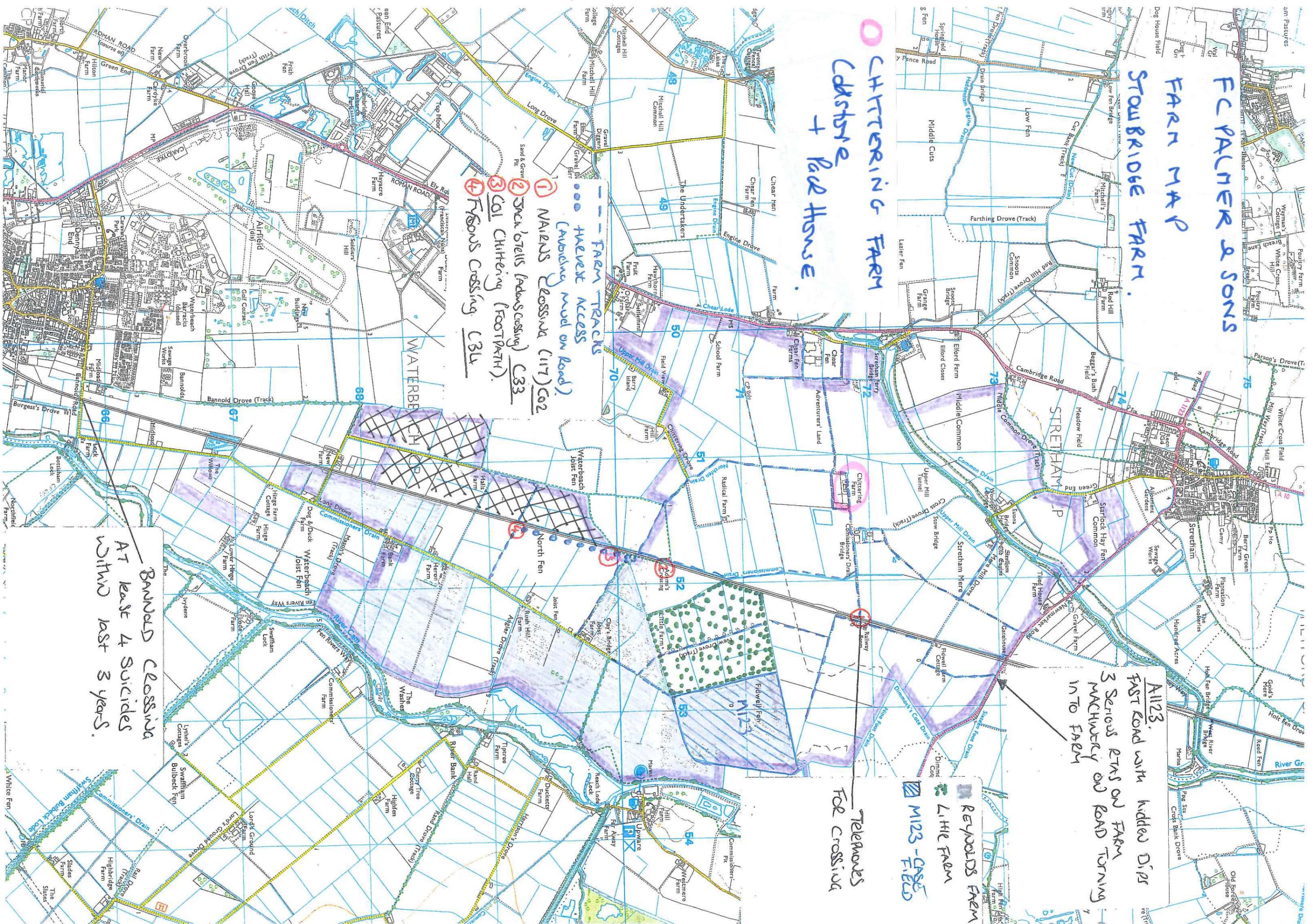
**A1123.
FAST ROAD with hidden dips
3 serious ruts on FARM
MACHINERY ON ROAD TURNING
INTO FARM**

**REYNOLDS FARM
LITTLE FARM
M123 - CASES**

**Telephones
for crossing**

- FARM TRACKS
(avoiding mud on Road)
- ① NA12NS CROSSING (117) C02
- ② SNA12NLS (advis crossing) C33
- ③ C01 CHITTING (FOOTPATH).
- ④ FYSONS CROSSING C3L

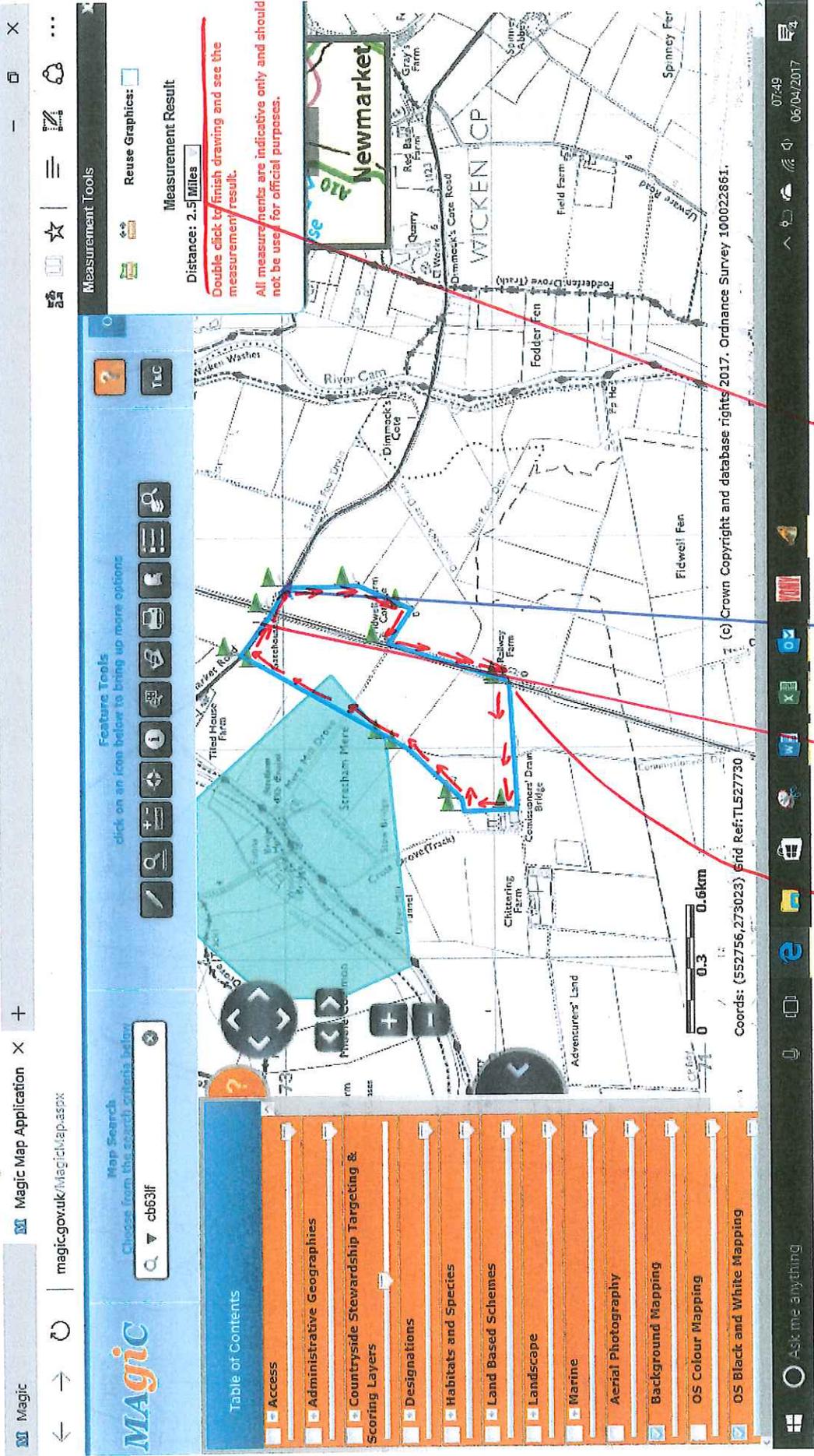
**BANNOLD CROSSING
AT least 4 suicides
within last 3 years.**



Appendix 9 (b)

<u>F C Palmer and Sons, Stowbridge Farm - Crossings</u>	<u>C01 Chittering</u>
	<u>C02 Nairns</u>
	<u>C33 Jack O'Tell</u>
	<u>C34 Fysons</u>

MAP D. NAIRNS CROSSING DIVERSION.



Diversion Distance.

Start

A1123

MAP
NAIRNS DIVERSION.

3 Serious RTA'S in 3 years

Measurement Result
Distance: 2.5 Miles
Double click to finish drawing and see the measurement result.
All measurements are indicative only and should not be used for official purposes.

Coords: (552756,273023) Grid Ref: TL527730
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MAP E(G)

JACK O'TELLS.

Magic Map Application x + magic.gov.uk/MagicMap.aspx

Map Search: cb63f

Feature Tools: click on an icon below to bring up more options

Measurement Tools: Reuse Graphics: Measurement Result: Distance: 5.1 Miles

Double click to finish drawing and see the measurement result.

All measurements are indicative only and should not be used for official purposes.

Table of Contents:

- Access
- Administrative Geographies
- Countryside Stewardship Targeting & Scoring Layers
- Designations
- Habitats and Species
- Land Based Schemes
- Landscape
- Marine
- Aerial Photography
- Background Mapping
- OS Colour Mapping
- OS Black and White Mapping

Map showing a blue polygon and a red line across a landscape with labels like Wicken, North Fen, and Adventurers Fen.

Scale: 0 0.5 1km

Coords: (554106,273584) Grid Ref: TL541735

07:52 06/04/2017

DIVERSION Distance.

A1123

3 Serious RTA in 3 years

Little farm 5 year FBT. Do legal right of way.

Start

MAP JACK O'TELLS CROSSING DIVERSION 1.

MAP E (11) JACK O'TELLS.

Magic Map Application

magic.gov.uk/MagicMap.aspx

Map Search: cb631f

Feature Tools: click on an icon below to bring up more options

Measurement Tools: Reuse Graphics: []

Measurement Result: Distance: 9.3 Miles

Double click to finish drawing and see the measurement result.
All measurements are indicative only and should not be used for official purposes.

Table of Contents:

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- Background Mapping
- OS Colour Mapping
- OS Black and White Mapping

Coordinates: (552349, 270642) Grid Ref: TL523706 Waterbeal

07:26 05/04/2017

Distance

Start

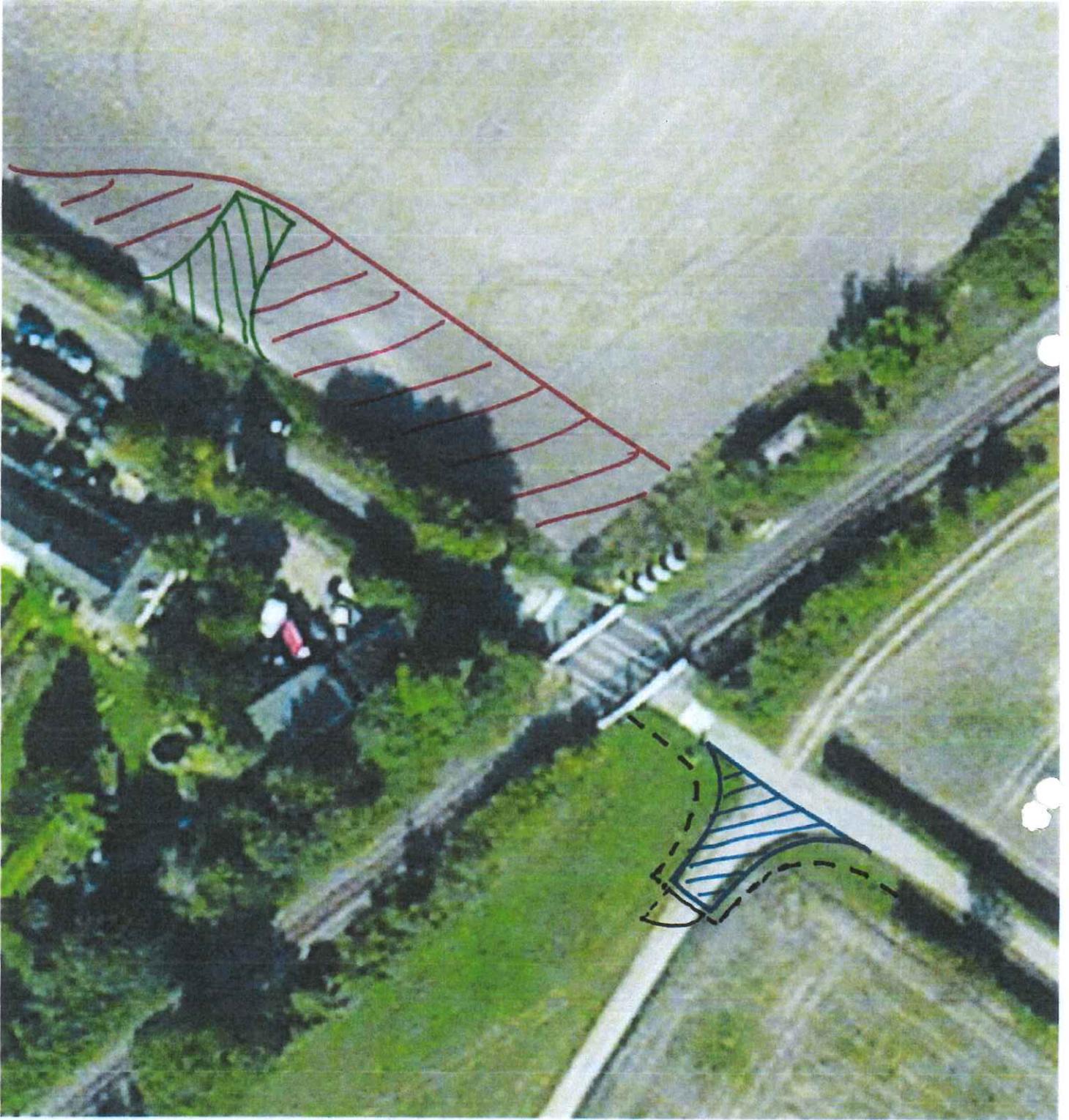
AIO ACCESS ONTO AIO POOL.

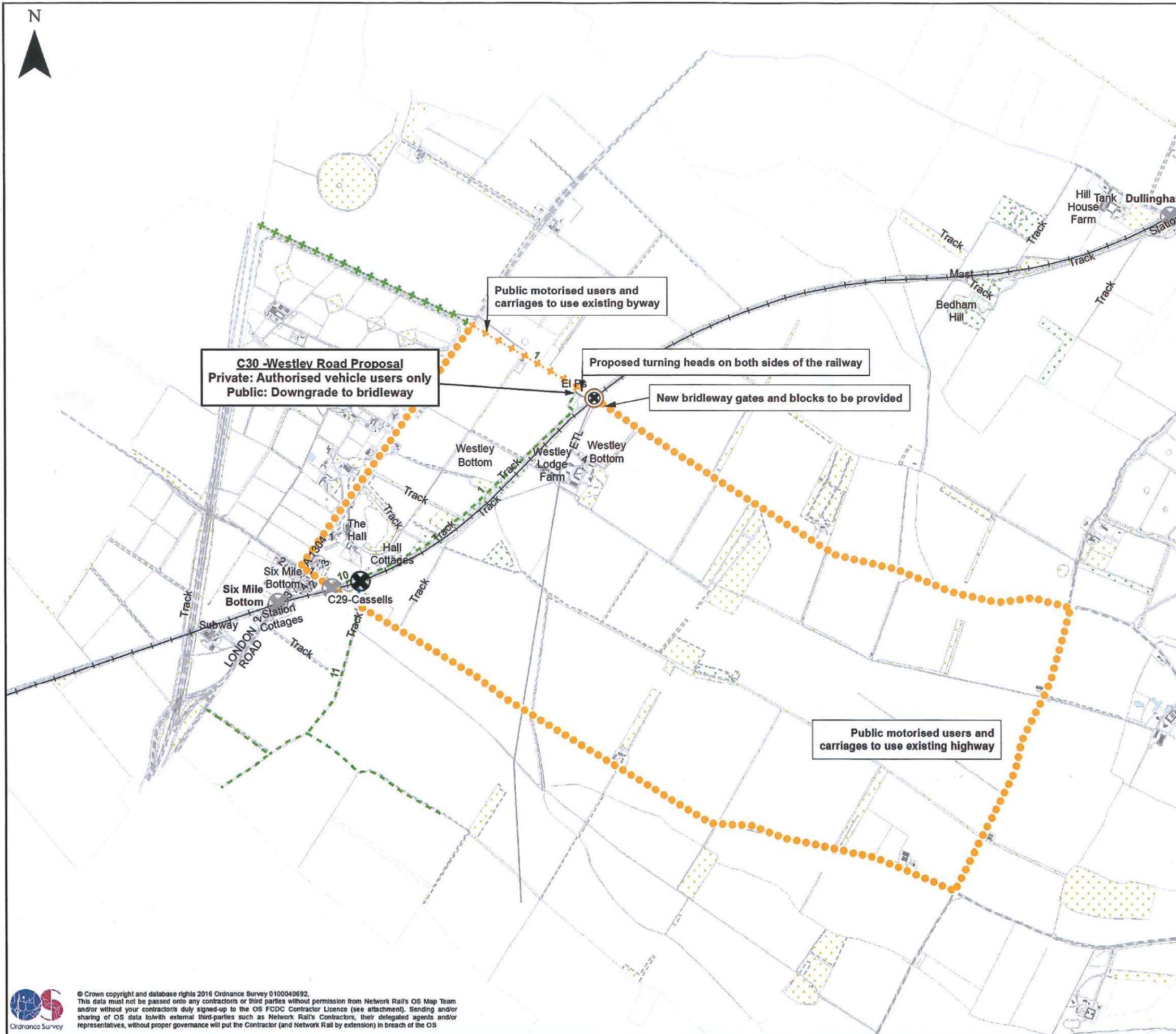
MAP.
JACK O'TELLS CROSSING DIVERSION 2.

Appendix 10

Six Mile Bottom Farms LLP, Westley Lodge – Crossing C30 Westley Road

PLAN 2





C30 - Westley Road Proposal
 Private: Authorised vehicle users only
 Public: Downgrade to bridleway

Public motorised users and carriages to use existing byway

Proposed turning heads on both sides of the railway

New bridleway gates and blocks to be provided

Public motorised users and carriages to use existing highway

Level Crossings

- Level crossing being discussed
- Other level crossing in the project
- Other level crossing not in the project

Right of Way / Other Route Type

- Footpath
 - Bridleway
 - Restricted byway
 - Byway open to all traffic
 - Highway (shown where used as part of a diversion)
 - Private Road / Track (shown where used as part of a diversion route)
- The line styles above indicate the type of right of way or other route proposed.
- The colours below indicate the nature of the proposal.

Right of Way / Other Route Status

- No Change and not part of diversion route
- Use of Existing right of way for diversion route
- Change of Status to right of way
- Closure of existing right of way
- Creation of new right of way

Photographs

- Photograph Location (with no. - see Summary Sheet for details)

Network Rail Anglia Level Crossing Reduction Strategy
 Round 2 Public Consultation Proposal

C30 - Westley Road
 Cambridgeshire
 East Cambridgeshire Dist*

P1	16/08/2016	For Information	WC	DW	SJT	JAS
Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
Scale at A3 1:18,000		Drawing No. MMD-367516-C30-GEN-003				

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