Your ref:
Our ref: CLFR/NR/TWAO/C28
Date: 22nd December 2017
Contact: Mrs Camilla Rhodes
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Cambridgeshire County Council

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By Recorded Delivery

To whom this may concern

Re: Network Rail (Cambridgeshire Level Crossing Reduction) Order 201X ('the Order')
C28 Black Horse Drove, Littleport

I refer to my letter of 27th November 2017 concerning the above matter and Cambridgeshire County Council's concerns over the effect of the Order on the continued existence of public highway rights over the section of Black Horse Drove between points A and C on the enclosed plan.

Throughout the course of the Public Inquiry into the Order, the County Council has been working with Network Rail to address these concerns and ensure that access rights to the land and property served by the above section of Black Horse Drove are protected. As a result of these discussions, it has been agreed that the following clause will be inserted into the Order:

"*If any part of Black Horse Drove lying west of the level crossing at any time ceases, in consequence of Article 15 of this Order to be a road over which the public has a right of way for all traffic, the owners of properties who, until the downgrade of the level crossing have obtained access to their property over that part of Black Horse Drove which lies to the west of the level crossing, shall have such rights of passage over it as shall be necessary to enable them to pass and repass to and from that land and from and to the level crossing as if there had been no such cessation.*"

This clause has been drafted based upon the precedent set in a previous Order where similar concerns were addressed. Its effect is to secure private rights of access if public highway rights cease over the Drove as a result of the extinguishment of public highway rights over the crossing (which the County Council believes will be the case).

It should be noted that under such circumstances, whilst rights of access will be protected, the section of Black Horse Drove to the west of the crossing (A-C on the enclosed plan) will no longer be maintainable at public expense. It is Network Rail's position that, in the event that through operation of law this section of Black Horse Drove is no longer public highway maintainable at public expense, then to the extent that this gives rise to a new maintenance burden on owners they will be entitled to make a claim for compensation from Network Rail in accordance with the provisions of the statutory compensation code.

Whilst the County Council and Network Rail are satisfied that this clause addresses the concerns raised in my previous letter, we are not, of course, in a position to provide you with legal advice in relation to this matter and it is recommended that, if you have any concerns, you seek your own independent advice.

The Inquiry is reconvening on the 10th January where this crossing will be discussed if there are any outstanding objections.

Yours faithfully,

Mrs Camilla Rhodes MA MLE MRICS
Asset Manager – Information

 To view the highway records for Cambridgeshire (including public rights of way and common land/village greens) and other online services, please visit
http://www.cambridgeshire.gov.uk/info/20081/roads_and_pathways/116/highway_records

C28 - Black Horse Drove

Cambridgeshire County Council

Hilgay Fen

Cross Drain Farm

Scotland Farmhouse

Railway Cottages

Willow Row Drain

Southery Fe

A

B

C

Location

Cross Drains Fm

Crouch Moor

Caves Fm

Crouchmoor Fm

Black Horse Drove

Willow Row Farms

PLEASE NOTE THAT THE INFORMATION ON THIS MAP IS INDICATIVE, AND SHOULD NOT BE RELIED ON IN DISPUTES OR FOR LEGAL PURPOSES

Scale: 1:2500 (A3)

Date: 21/11/2017

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Key - Drawn from the Definitive Map and Highway Records

Public Highway to be stopped up

Level Crossing

Public Highway