

**PUBLIC INQUIRY**  
**APPLICATION BY NETWORK RAIL UNDER TRANSPORT AND WORKS ACT 1992**  
**PROPOSED NETWORK RAIL (CAMBRIDGESHIRE LEVEL CROSSING REDUCTION)**  
**ORDER 201X**

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**OBJ/12-CAMBRIDGESHIRE COUNTY COUNCIL**

**REBUTTAL PROOF OF EVIDENCE**

**CAMILLA RHODES**

**ASSET MANAGER – INFORMATION**

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1. This document is a Rebuttal Proof of Evidence (Rebuttal), which is submitted to the Inquiry, in response to, and with the intention of rebutting, evidence previously submitted to the Inquiry by Network Rail (NR). Each of the numbered paragraphs which are referenced below features in the respective NR Proof of Evidence (PoE).

**Elianne Algaard**

**Paragraphs 2.4.16 - 2.4.18**

2. CCC understands why NR may need to place Temporary Traffic Regulation Orders (TTROs) on certain crossings if there are significant safety risks become apparent that there is no other alternative. However, CCC's experience is that, contrary to Dr Algaard's statement, NR do not always follow due procedure, which is a serious concern to CCC who, as the Highway Authority, has the responsibility for users of affected highways.
3. A case in point is C16 and C17 Prickwillow, Public Footpaths Nos. 17 and 57 Ely. CCC has endeavoured to work with NR on the issue since it first came to CCC's attention

during the traffic census of June 2016 as being unofficially closed by NR and was reported by a member of the public. CCC's concern has been to ensure that the closure is formalised through the appropriate legal process, such that the Highway Authority can appropriately manage the assets and respond to members of the public.

4. CCC's email of 21<sup>st</sup> October 2016 to NR summarises the issues and is at Appendix 1 to this Rebuttal. The photographs of the alternative routes attached to the email are at Tab 22 in CCC's Bundle under C16 Photographs. The map attached to the email showing the full length of the paths concerned is at Appendix 1. Although an emergency closure application was eventually made, this only lasted 3 weeks and the requisite Temporary Traffic Regulation Order has never been made, and no temporary alternative solution has been put in place despite officers taking considerable time to outline the dangers for pedestrians and their willingness to work with NR to agree a solution. This apparent lack of willingness to follow due process makes the working relationship with NR very difficult and takes up significant amount of officer time that should not be necessary.

### **Andrew Kenning**

#### **Paragraphs 3.14 and 3.15**

5. In these Paragraphs, Mr Kenning refers to site visits undertaken by Mott MacDonald (MM) and NR. Despite repeated requests from Cambridgeshire County Council (CCC) for joint site visits with CCC, NR and/or MM, these were never agreed to. CCC maintains that this has made the process very difficult. CCC has had to trust the work that Mott MacDonald has done, in order to continue working with NR without the resources to provide the necessary detailed knowledge to adequately advise NR. Had joint site visits been undertaken, CCC could have had more input into the planning process and many of the issues that CCC have later highlighted with the proposed diversions could have been dealt with at an earlier stage, saving time, money and resources to all parties involved.

### 3.17

3. Although Mr Kenning says that these meetings were detailed, the 30<sup>th</sup> September 2015 meeting lasted about 6 hours and covered 35 proposals. Over the course of the 18 months from September 2015, there was a total of four such workshops, and two further, shorter meetings covering specific crossings. One of these was called at CCC's request with local councillors in the Ely area.
4. CCC normally receives about eight public path order applications in a year and processes about the same number to completion (many rolling on from previous years due to their inevitable complexities). Each application takes a minimum of 37 hours, on which CCC's fees are based. It can therefore be seen that it was never going to be possible to adequately assess 35 proposed diversions in the 30 hours allowed by NR on a desktop basis.

### Paragraph 3.23 (iv)

6. In this Paragraph, Mr Kenning refers to the user censuses that MM were contracted, by NR, to undertake at all level crossings being considered for inclusion within their project. CCC maintains that the 9 day census period was not an accurate, or sufficient time-period to get a true and fair cross-section of the user of these routes. I address this in more detail in my Rebuttal to Susan Tilbrook's Proof at paragraph 41.

### Paragraph 3.39

7. Mr Kenning states that it only became clear to NR that CCC would not accept extinguishments with no suitable diversion in August 2016. This is incorrect. I recall advising NR at the meeting held in April 2015<sup>1</sup> that CCC's approach to closures, agreed in 2012 with Cabinet members and senior management, was:
  - 1) To ensure that every crossing is examined on its individual circumstances
  - 2) That any proposal should be cost-neutral to the Authority

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1. CCC's Chronology at Tab 1 of its Bundle has been corrected with this date.

3) To retain public level crossings in the interests of public rights wherever possible and to seek instead improvements that make any high risk crossings acceptable from a safety perspective

4) To consider the replacement of a crossing by a bridge **providing** that all public rights affected are satisfactorily provided for, particularly if it will result in benefits for the local communities. The cost of any bridge should be met by Network Rail.

5) Only if 1) is not possible should **either** a diversion to a sensible nearby alternative through the formal legal procedure, **or** a downgrade of a crossing to an appropriate status for the legal and physical circumstances concerned be sought. In Consideration here could include the potential for savings to be made from the downgrade of a minor road and reduction in maintenance liability, provided that other public rights are not unduly affected, and for improvements e.g. to upgrade a footpath to bridleway with regard to our Rights of Way Improvement Plan Policy.

8. I reiterated this advice at the first workshop held with Mott MacDonald on 30<sup>th</sup> September 2015, as detailed in my own notes of that meeting (Appendix 2 to this Rebuttal). It is therefore disingenuous to imply that this was the first time that NR had heard of CCC's position on extinguishments.

#### C07 No Name No. 37 Harston - Paragraph 9.5

9. In this paragraph, Mr Kenning states that:

‘We understand that the highway authority, Cambridgeshire County Council, does not object to this proposal.’

10. CCC has consistently objected to this proposal throughout the informal and formal consultation period. Until CCC's formal response to the proposed TWAO in July 2017, CCC maintained a holding objection pending the outcome of NR working on solutions, which is documented in the minutes of meetings with NR and in CCC's Committee papers (which are public documents), and in its Response dated 21<sup>st</sup> March 2017 to NR's informal consultation, and in its holding response to the Department for Transport (DfT) dated 19<sup>th</sup> April, which was copied to NR.

11. The final solution with steps was only proposed in the draft TWAO deposited on 14<sup>th</sup> Mar 2017. Officers discussed the proposal with the County Councillor at the time, and it was agreed that CCC should change its position to object to the proposal, subject to agreement by HCI Committee and full Council. This position was approved on the 11<sup>th</sup> July and 18<sup>th</sup> July by the respective meetings, and CCC's formal objection to the proposal was included in the Authority's Response to the proposed TWAO sent to DfT on the 28<sup>th</sup> July 2017.

12. I find it extraordinary that Mr Kenning should make a statement to the opposite effect in his Proof of Evidence.

#### C10 Coffue Drove – Paragraph 12.1

13. Although Mr Kenning correctly refers to Coffue Drove as Byway No. 44 Downham, the TWAO Plan at Sheet 7 and at Schedule 15 (which details the proposed Traffic Regulation Order) incorrectly refers to it as BOAT 41 Downham. This needs to be corrected on both parts to the TWAO.

14. In the same paragraph, Mr Kenning refers to the seasonal TRO as restricting access along BOAT 44 to public vehicles. This is incorrect. Only public motor vehicles with more than two wheels are prohibited between 31<sup>st</sup> October and 1<sup>st</sup> April, or when the barrier is closed. Motorcycles and bicycles (which are also legally defined as 'vehicles') are therefore permitted. A copy of the TRO is attached to this Rebuttal as Appendix 3.

#### C11 Furlong Drove – Paragraph 13.1

15. At page 17 of my PoE, I deal with CCC's position with regards to these proposals. I state that it is part of the long distance promoted route The Hereward Way. A copy of the leaflet is at Tab 45 of CCC's Bundle (1).

16. Mr Kenning incorrectly refers to the railway crossing as a bridleway. This is incorrect; it is recorded on the Definitive Map & Statement for Cambridgeshire as a byway open to all traffic (BOAT). I state this at paragraph 64 to my Proof of Evidence (PoE). In paragraph 13.8, Mr Kenning states that that vehicular rights were removed in the

1930s and it was agreed with the local highway authority. In the 1930s. Until 1965, Little Downham was in the administrative area of the Isle of Ely County Council. In 1965 the Isle of Ely and Cambridgeshire County Councils were combined to create the Isle of Ely and Cambridgeshire County Council. CCC can find no record of the extinguishment of vehicular rights referred to by Mr Kenning.

17. The byway is recorded on the old Isle of Ely Highway Handover map of 1930 with a dashed green line in the same way that other soft roads and routes that were later recorded as byways open to all traffic (Appendix 4, page 1). It is shown as a soft road on the 1960s Isle of Ely 'Soft or Green Drovers & County Roads Map (Appendix 4 Page 2). It was recorded on the County of Cambridgeshire & Isle of Ely Definitive Map & Statement as a Byway Open to All Traffic in 1987 (page 3 of Appendix 4).
18. In 1989 British Rail Property Board (BRPB) wrote to CCC requesting confirmation as to the legal status of the route. CCC confirmed that it was recorded on the Definitive Map & Statement as a Byway Open to All Traffic (BOAT). BRPB then raised the proposal of downgrading the BOAT to a footpath, but following consultation with the Parish Council and local horse-riders (which generated a petition against closure signed by 117 people), a bridleway was agreed. Letters from the British Horse Society (BHS) and the local Tower Farm Riding Stables are at pages 8 and 10 of Appendix 5 to the Rebuttal. The officer report dated 1997 summarises the events, culminating in a request by BRPB's successor, Railtrack, to CCC to apply to the Magistrates' Court for a stopping up order under s116 Highways Act 1980 (pages 15-16 of Appendix 5).
19. The formal consultations with user groups in 1997 resulted in objections from the Byways & Bridleways Trust (BBT), Land Access & Recreation Association (LARA) and another individual, Mr Naylor. These are attached at Appendix 5, pages 11-14. As a result of the objections, CCC declined to make an application to the Magistrates' Court, as the evidence showed that the highway was in use by vehicles and could not be said to be 'unnecessary'.

20. In the letter from Mrs Lloyd of the BHS dated 1<sup>st</sup> April 1989, she stated that there was:

‘At both sides of railway line, wooden bridleway type gates parallel with 5 bar metal gates for vehicles’

21. She also noted that the path appeared to be well-used by horses and that downgrading it to a footpath would be to deny rider the user of a very important network of paths. The 1997 letters from LARA and Mr Naylor evidence that it appears that the current bridleway gates were only installed in or around 1997. Mr Naylor cites that a group outing a few years before had found the former gates locked, which was reported to CCC and LARA.

22. It therefore appears that the vehicular gates were only removed in around 1997, and without the permission of the local Highway Authority. I would also note that the evidence from CCC’s files shows that the byway has long been well-used by riders and motorists, and that the current evidence of members the Trail Riders Fellowship to this Inquiry shows that this use continues and is valued.

#### Paragraph 16.5 - C14 Eastrea Cross Drove

23. Mr Kenning states that Cambridgeshire County Council does not object to this proposal. This is incorrect; CCC now objects to this proposal, as set out at my PoE at paragraph 59 and at paragraph 53 of Karen Champion’s PoE.

#### Paragraph 17.1 - 17.5 - C15 Brickyard Drove

24. Mr Kenning statement in 17.1 that ‘there are no onward PROW leading of Benwick Road that would suggest any onward connectivity’ demonstrates his lack of understanding as to connectivity. The Fens are a poorly served area, which means that those PROW that do exist need to be particularly valued for public health reasons. However, in the absence of PROWs people do use roads and their verges in order to make circular routes with PROW. This is noted in CCC’s Rights of Way Improvement Plan on page 5 at Tab 17 of CCC’s Bundle.

25. Mr Kenning states that Cambridgeshire County Council does not object to this proposal. This is incorrect; CCC now objects to this proposal, as set out at my PoE at paragraph 61 and at paragraph 61 of Karen Champion's PoE.

#### Paragraph 18.1 – C16 Prickwillow 1

26. Mr Kenning makes reference to the fact that the railway crossing over FP17 is currently temporarily closed for safety reasons. I deal with this at paragraph 2 of my Rebuttal to Dr Algaard's PoE.

27. CCC has a holding objection to this proposal over its concerns for safe refuge of pedestrians at the bottom of the bank/proposed steps either side of the bridge, as set out in Karen Champion's PoE at paragraph 70.

#### Paragraph 19.1 – C17 Prickwillow 2

28. Mr Kenning makes reference to the fact that the railway crossing over FP57 is currently temporarily closed for safety reasons. I deal with this at paragraph 2 of my Rebuttal to Dr Algaard's PoE.

29. CCC has a holding objection to this proposal over its concerns for safe refuge of pedestrians at the bottom of the bank/proposed steps either side of the bridge, as set out in Karen Champion's PoE at paragraph 70.

#### Paragraph 20.6 – C20 Leonards

30. CCC considers that the proposed diversion would be 395m, 260m of which would be on-road. I do not accept that the proposed diversion is equivalent to a ramped bridge. A bridge would be on the same desire line for pedestrians, whereas the proposed diversion would take the majority of walkers significantly out of their way. This could have a considerable effect on their choice as to whether or not to continue walking the route, and consequently on their health, as set out in Iain Green's PoE where he discusses public behaviour at paragraphs 12, 18 and specifically for this crossing at paragraph 24.



31. Encouragement of healthy lifestyles is one of the six Priorities of the Cambridgeshire Heath & Well-Being Strategy, at Tab 18 of CCC's Bundle, and connects to Statement of Action 'A safer and health-enhancing activity' in CCC's Rights of Way Improvement Plan at page 9 of Tab 17 to CCC's Bundle.

Paragraph 21.4 and 21.5 – C21 Newmarket Bridge

32. CCC disagrees with Mr Kenning's understanding of the suitability of diverting paths from a safe, 24/7 access zone into a high risk flood zone, as set out at Karen Champion's PoE at paragraphs 85-86.

33. CCC now holds a full objection to the proposal due to knowledge that it would move the path to a high risk flood zone and the lack of information demonstrating that the path would not be regularly flooded, rendering the proposal both unsuitable and inconvenient for pedestrians and maintenance.

Paragraph 22 – C22 Wells Engine

34. Mr Kenning refers to NR's proposals for C22 Wells Engine, Ely. At page 21 of my PoE I deal with CCC's position with regards to these proposals. FP23. Ely is part of the local promoted route, the Cawdle Fen Walk. A copy of the leaflet is at Tab 46 of CCC's Bundle (1).

35. CCC now holds a full objection to the proposal due to knowledge that it would move the path to a high risk flood zone and the lack of information demonstrating that the path would not be regularly flooded, rendering the proposal both unsuitable and inconvenient for pedestrians and maintenance.

Paragraph 23 – C24 Cross Keys

36. At paragraph 23.1 Mr Kenning states that this is only a north-south path. This is not correct. The path runs south-west from BR25 Ely to east to join FP15 on the river bank, as shown on the map at Tabs 28 and 43 of CCC's Bundle as part of a circular route with BR25 back to Ely. CCC set out in its Response to NR's TWAO, in its Statement of Case, Anna Bailey's PoE and in Karen Champion's PoE at paras 40-46

the Authority's request for works to bring the crossing of BR25 up to an acceptable standard. There is provision in NR12 Design Guide for this to be done in connection with the C09 Second Drove proposal.

37. CCC understands that C09 Second Drove has now been withdrawn from this Order, and therefore reasonably requests that the works are connected to the C24 Cross Keys proposal which is equally affected, as set out at paragraph 34 above.

#### Paragraph 24 – C25 Clayway

38. The proposed diversion would be three times as long as the existing route, two-thirds of which would be on-road. I do not accept that the proposed diversion is equivalent to a ramped bridge. A bridge would be on the same desire line for pedestrians, whereas the proposed diversion would take the majority of walkers significantly out of their way. This could have a considerable effect on their choice as to whether or not to continue walking the route, and consequently on their health, as set out in Iain Green's PoE where he discusses public behaviour at paragraphs 12, 18 and specifically for this crossing at paragraph 25 in relation to the local Heartbeat Group (Obj14), who also objects to the proposal.

39. Encouragement of healthy lifestyles is one of the six Priorities of the Cambridgeshire Heath & Well-Being Strategy, at Tab 18 of CCC's Bundle, and connects to Statement of Action 'A safer and health-enhancing activity' in CCC's Rights of Way Improvement Plan at page 9 of Tab 17 to CCC's Bundle.

#### Paragraph 25.5 – C26 Poplar Drove and paragraph 26.6 C27 Willow Row Drove

40. CCC does not object per se to the C26 proposal, but does object to the proposal C27 Willow Row Drove, to which C26 is linked, and the lack of provision for motorcyclists in that proposal. Whilst CCC appreciates that NR have listened to some of CCC's concerns and made some changes to their proposals, CCC had not had the benefit of visiting the sites and discussing the proposal with routes with the local farmer, Matthew Murfitt, (by chance) until October 2017. The visit showed that the tarmac road beyond the C26 crossing is in a poor condition with large potholes, whilst

Willow Row Drove (BOAT 30) by comparison is in good condition. CCC had not been aware that Mr Murfitt maintains the drove in a traditional manner, ploughing it out when it gets rutted and re-seeding it, which means it stays in a reasonable condition. This again demonstrates why early joint site visits were necessary in the process.

#### Paragraph 29.4 – C30 Westley Road

41. Mr Kenning states that equestrian cyclist and pedestrian users of Westley Road would continue to be able to use the crossing under NR's proposal, but does not mention that motorcycles are also to retain access, as had been agreed between CCC and NR. However, I note that Ms Tilbrook at paragraph 2.22.19 of her PoE does recognise this. CCC does not object to this proposal only on the proviso that access for motorcyclists is retained.

#### Paragraph 30.4 – C31 Littleport Station

42. Mr Kenning incorrectly states that CCC does not object to this proposal. CCC has a holding objection to this proposal pending the receipt of a traffic impact assessment for the site. This is set out in David Allatt's PoE.

**Mark Brunnen**

**Paragraph 5.6**

43. Mr Brunnen makes reference to the Office of Road and Rail (ORR) who are NR's Regulator for matters of level crossing efficiency and safety and NR 14, being NR's Transport and Works Act (TWA) Order Statement of Case (SoC) which states:

*"In particular we want to:*

*Encourage crossing closure and ensure that all risk assessments consider this first, in line with the principles of prevention, prioritising those crossings that present the highest risk."*

44. However, it is clear from data provided from NR, through their methods of risk evaluation including ALCRM data and by their own admission, that the level crossings included in the Order have not been chosen because they present the highest risk but because they are seen by NR as low-hanging fruit which NR perceive will be easiest to close. Whilst CCC understands the range of NR's reasons for the TWAO, I do consider that NR's assertion that they are focussing on closing the most dangerous crossings is disingenuous and has led to misunderstanding as to their motives for seeking the Order for some members of the public, as evidenced by Councillor Janet Lockwood's PoE at paragraph 13.

## **Susan Tilbrook**

### **Traffic census - Paragraphs 1.8.1 – 1.8.6**

41. Following CCC's detailed letter to Mott MacDonald (MM) of 15<sup>th</sup> July 2016 setting out the Authority's concerns regarding the census methodology and errors, CCC requested 13 additional censuses for existing routes and five surveys for on-road routes, plus two potential additional surveys (depending on the road safety assessment) in its email of 22<sup>nd</sup> July 2016 (Tab 11 of CCC's Bundle). On the 28<sup>th</sup> September 2016 MM responded, citing 8 additional Automatic Traffic Counter (ATC) and speed surveys that were to be carried out on certain roads. CCC never received confirmation as to which other of the additional path surveys CCC had requested had been undertaken.
42. MM responded to CCC's letter on the 14<sup>th</sup> March 2017, the day that the draft TWAO was deposited (Tab 13 of CCC's Bundle). CCC considers that the response does little to address the issues that CCC raises. For example, there is no new evidence to support MM's statement that its approach is not urban-centric; the existing GRD007 guidance favoured by NR is merely reiterated. CCC maintains that nine days is wholly inadequate as a period of census, and finds it extraordinary that CCC had to persuade NR to allow all nine days to be transcribed instead of three, as was their original intention. For example, many user groups might use a path only once a month. These people would be easily missed if the census did not coincide with their outing, as acknowledged by Ms Tilbrook at 1.8.3 of her proof.
43. CCC also disagrees with the assertion (on page 3 of the response) that the NR project will provide suitable or convenient replacement routes, as detailed in the Authority's crossing by crossing objections; neither does CCC agree that the proposal have been adequately subject to a Diversity Impact Assessment, as detailed in Iain Green's proof.
44. CCC has not been privy to the Private User Questionnaires, but is aware of the high degree of scepticism amongst landowners affected by the proposals as to whether their evidence and usage has been accurately captured. Further, based on officers

own experience of living and working in the county, CCC does not consider that Mott MacDonald, whose staff employed on this project are generally not local to the area, have fully understood the intensive agricultural nature of the area, particularly in the fenland area. CCC therefore does not accept the MM assertion that the numbers of agricultural vehicle movements during harvest are 'generally low in absolute terms' (page 3 of the response).

45. The response (on page 5) states that the crossings closed at the time of the initial surveys had been undertaken, but CCC never received this data.
46. The catalogue of errors identified by CCC in the undertaking of the surveys and in the transcription may have eventually been partly resolved, but where this happened it was late in the day, and the whole only serves to undermine credibility in the data, and the methodology. CCC is disappointed that its invitation to work together on a more appropriate methodology that could be used for future traffic surveys on any PROW has not been taken.
47. CCC disagrees that CCC's requirement for 4m bridleways is not justified. This is set out in my PoE at paragraph 41 and also in Lynda Warth's PoE at paragraph 6. The proposals relating to proposals to change existing byways that are over 10m wide to routes that would be 3m wide are particularly due to the extreme loss of historic and physical amenity that that would represent.
48. In practice, 3m is insufficient to allow equestrians to pass, particularly if there is boundary vegetation. CCC's and the BHS's guidelines address these issues.

#### Paragraph 2.1.2 – C01 Chittering

49. C01 is a field edge path along the eastern side. On this side public do use the peat farm track, which does flood during wet periods. However, surface water clears due to the nature of the soil. The level crossing is partially overgrown around the stile and inside the track, which is a Network Rail maintenance liability.

41. There is a bridleway on the western side of the track and this does suffer from overhanging branches from a large willow tree. However, the stile and inside the track are partially overgrown by vegetation which is a Network Rail maintenance responsibility.
42. Waterbeach Footpath 18 has been overgrown along the field edge on the western side of the rail line. This was due to a large fallen willow branch that obstructed our contractors from cutting the surface. The branch has now been removed and surface vegetation has been cut.

Paragraph 2.1.39 – C02 Nairns (and C33 Jack O'Tell and C34 Fysons)

43. CCC has indicated that when farm vehicle movements have been clarified and when a decision has been made on the solution that means agricultural traffic has suitable alternative route to the adopted highway, CCC may alter its position. As yet the vehicle movement information has not been provided and no solution has been finalised.

Paragraph 2.4 – C07 Harston

41. With reference to paragraph 2.4.7 of Ms Tilbrook's PoE, I would note that Hauxton Byway 3 is to the north of the Public Byway and the correct reference in this paragraph should be made to Harston Byway 6. Harston Byway 6 and Hauxton Byway 3 make up a single Public Byway locally known as Donkey Lane.
41. I note in paragraph 2.4.15 that Ms Tilbrook says that the use of ramps at the road bridge was discounted to steps. However, at CCC's site visit in early October officers considered that it appeared feasible to install ramps with little additional land take. Although this would not resolve CCC's fundamental objection to the proposal, officers would welcome continued discussion over this option in order to mitigate the accessibility problem, should the Inspector decide to approve the proposal.
41. At paragraph 2.4.21 Ms Tilbrook states: "It was noted that the existing Byway 3 made use of London Road for ongoing travel by equestrians and it is assumed that this is considered fit for purpose by CCC." This is not the case, and in fact this is why it was suggested to upgrade the diversion to a Bridleway and section within the field edge.

42. In paragraph 2.4.23 Ms Tilbrook details the proposals for C07 No.27. She states that:  
“The provision of stepped access and details for the proposed steps and footpaths were discussed and agreed in principle with CCC.”

43. This is not the case. As set out at paragraphs 6-9 above, CCC has never agreed specifically, nor in principle, with the proposed steps.

#### Paragraph 2.7.15 – C10 Coffue Drove

44. The surface should be suitable for its intended use and the BHS should be supported in this instance due to the terrain. It is not sufficient to discount safety on the grounds of cost. An Impact Assessment should be provided on this matter by NR and if the proposal is unsafe the crossing should be considered to remain.

#### Paragraph 2.8.27 – C11 Furlong Drove

45. Whilst members of the TRF did not make individual objections to the proposed TWAO, they did raise objections at the June 2016. Adrian Kendall, the Secretary to the Cambridge Group, undertook an impact assessment and passed the findings to NR. Not being familiar with the TWAO process or NR, it was reasonable for them to assume they were being listened to. The Proofs of the five TRF members Andy Lonnen, Mark Tuck, Adrian Kendall, Brian James and Fern Hume is ample evidence as to the objections raised by members of the TRF.

#### Paragraph 2.11.2 – C14 Eastrea Cross Drove

46. In this paragraph Ms Tilbrook states: “In terms of accessibility this crossing is restrictive to users with limited mobility or who use wheelchairs as the narrow gates and verges and the overgrown and often muddy pathways limit access by those with impaired mobility. In addition, the presence of stiles severely restricts access to the crossing itself. The approaches either side of the crossing are both grassed pathways that may cause further, undue challenges to those with limited mobility.”

41. In fact the path is well engineered particularly to the south of the crossing. The crossing could be made accessible to more users by providing suitable gates and



decking, particularly given the poor public health statistics of the Fenland area as set out by Iain Green at paragraphs 13 and 14 of his PoE.

Paragraph 2.16.11 – C21 Newmarket Bridge

42. At this paragraph Ms Tilbrook states that CCC has not objected to this proposal. I find this statement extraordinary, as CCC has consistently made a holding objection pending the outcome of flood data requested by CCC, and CCC's position has been recorded at meetings with Mott MacDonald at Tab 5 of Ms Tilbrook's own PoE Appendices. On the 2<sup>nd</sup> November, 2017, CCC changed its position to a full objection following advice from Mott MacDonald in October that there was no flood data but the Environment Agency confirmed the route was in a high risk flood zone, as set out at Tab 9 of CCC's Bundle 2 and at 83 – 89 of Karen Champion's PoE.

Paragraph 2.17.10 – 2.17.13 - C22 Wells Engine

43. At paragraph 2.17.10, Ms Tilbrook states that CCC has not objected to this proposal. I find this statement extraordinary, as CCC has consistently made a holding objection pending the outcome of flood data requested by CCC, and CCC's position has been recorded at meetings with Mott MacDonald at Tab 5 of Ms Tilbrook's own PoE Appendices. On the 2<sup>nd</sup> November, 2017, CCC changed its position to a full objection following advice from Mott MacDonald in October that there was no flood data but the Environment Agency confirmed the route was in a high risk flood zone, as set out at Tab 9 of CCC's Bundle 2 and in my PoE at paragraphs 81-85 and at 90-95 of Karen Champion's PoE.

44. At paragraph 2.17.13 Ms Tilbrook states that "Following discussions with CCC the surfacing of the proposed footpath was proposed to be gravel/stone to mitigate council concerns that the path may become unsuitable should any flooding occur." This was only discussed in relation to C03 West River Bridge, Little Thetford. CCC reserved its position on this proposal, awaiting flood data. Any site visit will quickly tell the visitor that some gravel would go no way to resolving the significant physical problems faced at the location, as detailed in Karen Champion's PoE.

#### Paragraph 2.18.8 – C25 Clayway

45. I set out CCC's concerns relating to the proposal at paragraph 36 of my Rebuttal to Andrew Kenning's Proof, and in particular the lack of a full DIA as detailed in Iain Green's PoE at paragraph 25.

#### Paragraph 2.19.8 – C26 Poplar Drove/C27 Willow Row Drove (not Road)

46. Reference by Ms Tilbrook to the wider footpath network is misleading, as it is a public rights of way network encompassing byways, restricted byways and bridleways as well as footpaths. I am also concerned that reference to 'a small number of people' shows a lack of understanding as to the nature of the area with its low population and relative isolation in the fen landscape. Iain Green's evidence sets out specifically how access to quality green space is equally important to areas with just a few houses, particularly in the Fenland area which has poor public health statistics. CCC's Rights of Way Improvement Plan Statement of Action 2 or CCC's Health & Well Being Strategy support this position (Tabs 17 page 9 and 18 of CCC's Bundle).
47. It also does not reflect the evidence of the TRF, who regularly go out to the network in groups, or the other factors that influence people's use as detailed in CCC's letter to Mott MacDonald of 15<sup>th</sup> July 2016 concerning the traffic census (at Tab 10 of CCC's Bundle).
48. With regard to paragraph 2.19.16-18, I would draw to the attention of the Inquiry Iain Green's concerns over Mott MacDonald's Diversity Impact Assessment methodology as detailed in his PoE at paragraphs 15-16. A wider radius than 5km would have been appropriate in this remote area, and may have resulted in a full DIA being necessary.

#### Paragraph 2.21 – C29 Cassells Brinkley

49. In paragraph 2.21.7 Ms Tilbrook says that 'The verge is considered to be suitable for use and would be maintained by the local authority'. The verge actually has grips cut into it and the verge is only cut twice a year at best. Thus it would not be suitable for pedestrians.

50. With regard to paragraph 2.21.16, there has been discussion about a pop out on the suggestion of NR. However, it was not the intention to lose the footway construction in the process. Peter Taylor speaks to this proposal and paragraph more in his Rebuttal.

#### Paragraph 2.22.18 – C30 Westley Bottom

51. CCC notes that the TWAO refers to 'downgrading the road to a byway with a restricted width using a TRO'. Whilst CCC agrees with the TRO mechanism, it disagrees that it is possible to down grade a public carriageway to a public byway open to all traffic (whether or not with a TRO). The Order should be modified to remove reference to downgrading the road, as set out in my PoE at paragraph 42.



Signed

Dated 21<sup>st</sup> November 2017