

Mr J Speller

Assistant Surveyor (Parliamentary)
British Rail Property Board
South East Region
Great Northern House
79-81 Euston Road
LONDON
NW1 2RT

317721
JRS/AEM/G306/62
TS/PY/MN/834/G10
7 February 1989

Dear Sir

PETERBOROUGH TO ELY - LEVEL CROSSING NUMBER 18 AT DOWNHAM

The County Council has been told by the Little Downham Parish Council that British Rail may wish to close this crossing to traffic and I have been given a sight of your letter to the Downham Feoffees dated the 11 November 1988

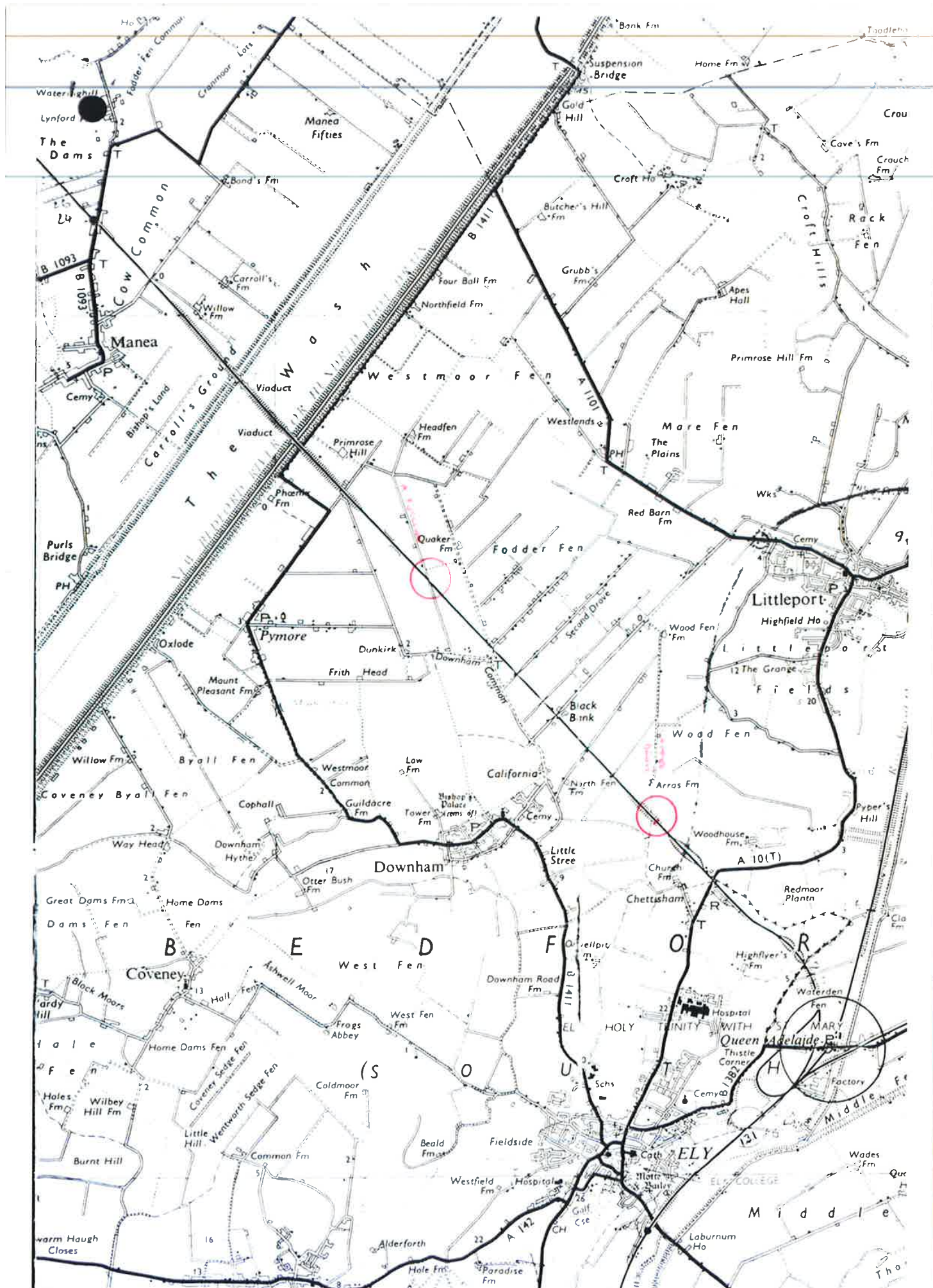
I must point out to British Rail that the roadway known as "A Furlong Drove" is registered on the Definitive Map of Public Rights of Way as Public Byway Number 33. That is to say that although it is probably used by the general public mostly as a Public Footpath or Bridleway it should be available to them for use with vehicles too. In fact a long distance walk known as The Hereward Way is routed over this byway and it is important that at least footpath rights are preserved over the line at this point.

I should be grateful if you would let me know what British Rail propose for this level crossing.

Yours faithfully



For Director of Transportation



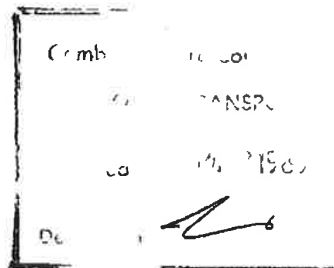
South East Region



Director of Transportation
Cambridgeshire County Council
Castle Court
Shire Hall
Castle Hill
Cambridge CB3 0AP

British Rail Property Board
South East Region
Great Northern House
79/81 Euston Road
London NW1 2RT
Telephone 01-837 5800
Fax 01-922 4600
Direct Line 01-922-6282

y/r JRS/AEM/G306/G2
o/r TS/PY/MN/834/G10



28th February 1989

Dear Sir

PETERBOROUGH TO ELY RAILWAY 'A FURLONG DROVE' LEVEL CROSSING (NO 18) AT
DOWNHAM (PUBLIC BYWAY NO 33)

Thank you for your letter of 7th February, I confirm that I have been making enquiries recently regarding the usage of level crossings in the Downham area. Although several public crossings here have been modernised in recent years there are some byways which are nowadays rarely used, if at all, by vehicles. The crossings known as 'A' Furlong and Coffee Drove (Byway 44) appear to fall into this category.

With a mind on future speed increases on this line the Board would like consideration to be given to reducing the status of 'A Furlong', and possibly Coffee Drove, preferably to footpath crossings only, but if a bridleway requirement existed then this could be catered for. I am making other enquiries regarding any private rights which may still exist.

I would be interested to receive your comments on this suggestion and, if acceptable in principle, your views on the best way to achieve this. The Board of course are able to apply for such provisions in their annual Bill but this can be a lengthy procedure and you may consider that an alternative method is more suitable. I look forward to hearing from you.

A copy of this letter has been sent to the Parish Council.

Yours faithfully

M Nye
Assistant Surveyor (Parliamentary)

s473p101-5
JB 28/02/1989

A Division of British Railways Board

LITTLE DOWNHAM PARISH COUNCIL

T. R. CLARK,
Clerk to the Council

Tel No ELY 2430

32, Barton Road,
Ely, Cambs

10.3.89

Miss C Day,
Recreational Paths Officer,
Cambs County Council,
Shirehall, Castle Hill,
Cambridge. CB3 0AP.

Dear Miss Day,

I enclose note of matters
arising from the meeting on the 9th
inst. calling for your attention.

Yours faithfully,

T. R. Clark

New Parish Clerk as of 31st March
Mr H W Whelan
8 Bury Green
Little Downham

Your letter, 6/3/89. 5/CD/HGM/C620.

Various suggestions were made at the meeting about the size of the noticeboard, the kind of transparent cover and its fastening, the size of the map to be displayed, and the space needed on the board for description. It was decided that this matter should be left for further discussion with you.

Path No. 37.

It was reported that this path had been ploughed up and it was agreed that you should enforce the opening of this byway, open to all traffic, to a minimum width of 15 ft.

Path No 9.

There was some discussion at the meeting about the need for this path and how it was entered on the definitive map when an early map showed no path. The chairman said that there was good reason for including the path on the definitive map when it was first compiled, e.g. his wife used the path some years ago. However, since there must be sufficient grounds for deleting the path from the map, it was agreed that the matter be left in your hands.

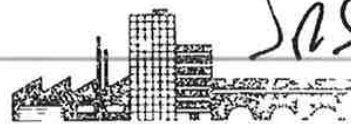
Rail Crossings. (British Rail letter to The Director of Transportation with your reference JRS/AEM/G306/G2 28/2/89.)

A Furlong Crossing - The Parish Council see no need for vehicular rights over this crossing.

Coffue Drove Crossing & Underpass. There is occasional, but nevertheless essential, ~~xxx~~ vehicular use of this crossing. The vehicular rights should be preserved and reinforced by a telephone for oncoming highspeed traffic. The underpass is increasingly used by ramblers in the summer and by horseriders. The public's rights over and under the crossing should be preserved.



South East Region



Property Board

Director of Transportation
Castle Court
Shire Hall
Castle Hill
Cambridge
CB3 0AP

British Rail Property Board
South East Region
Great Northern House
79/81 Euston Road
London NW1 2RT
Telephone 01-837 5800
Fax 01-922 4600
Direct Line 01-922 6282

Y/r DL/AT/G306/G2
O/r: TS/PY/MN/842/G1

31 March, 1989

Dear Sir,

CHETTISHAM: LEVEL CROSSING NO 9 (LITTLE DOWNHAM BYWAY 44) - COFFEE DROVE
BLACK BANK: LEVEL CROSSING NO 18 (LITTLE DOWNHAM BYWAY 33) - A FURLONG DROVE

With reference to my letter of 28th February, concerning the possible reduction in status of the abovementioned byways

In considering the availability of these crossings to the general public with vehicles, I think it worth bearing in mind that in both cases, the neighbouring crossings namely Bield Drove (Byway 43) and Main Drove (Public Road), have now been modernised and are protected by automatic half barriers. The decline in use of crossings No. 9 and 18 as byways is I believe due to the alternative, improved routes which are now available.

I look forward to hearing from you in this matter.

Yours faithfully,

M Nye
Assistant Surveyor (Parliamentary)

S535PD01-1
CAB 31/03/1989

A Division of British Railways Board

Liability
Registered No 444742 England
Registered Charity No 210504
Director Colonel N F Grove White
Secretary B M Hanner



**THE BRITISH
HORSE SOCIETY**

Patron Her Majesty The Queen

34 Lensfield Road,
Cambridge, CB2 1EG.
1st April 1989.

B. Speller Esq;
Department of Transportation,
Castle Court,
Shire Hall,
Castle Hill, Cambridge.

Dear Mr. Speller,

1. Draft Letter/Reclassification Orders.

May I thank you very much indeed for taking the time to read and return the above draft.

The additional information given by you has been retained in the text, as clearly it makes all the difference to the logic and facts.

Sadly, the Cambridge Evening News decided on their own line of approach to the subject, and so the whole purpose of it was lost completely.

2. Byways no. 33,43,44. Reference JRS/SS/G306/62.

Thank you for the information regarding the above item.
The following steps were taken to establish the use of these paths by local riders.

I have written to the Tower Riding School, Little Downham, who I believe use these paths considerably on a daily basis.
When I have a reply from them as to how important the routes are, I will write to you again.

In the meantime I have inspected both sites, talked to a local farmer and to one or two local riders.

Byway 44.

Inspection commenced at junction with byway 45 and parish boundary. A wide level grass drove, well used by horses and vehicles though very little surface damage from either.
Path widens at a point approximately 15-20 ft. from the designated route, running left and right under the railway bridge. There was evidence of use by horses immediately under the bridge and both ends; there is approximately 8 ft. clearance under the bridge.

The designated route follows a line across the railway line. 5 bar wooden gates, manually operated both sides of the line.
No evidence of horses either side of the railway line in front of gates, but as this is lush grass hoof prints would not be obvious.

Continued.....

Byway 33.

Inspection commenced at Gravelhead Farm. A wide, fairly level well used grass drove. At both sides of railway line, wooden bridleway type gates parallel with 5 bay metal gates for vehicles. Wooden gates easy to open and close. Evidence of horses both sides of railway line.

In conclusion; these paths would appear to be well used by horses, creating an important circular route by incorporating the use of permissive farm tracks and minor roads. To down grade the rail crossing to footpath status, would, in my opinion deny riders the continuing use of a very important network of paths.

I do however appreciate the safety factor in this case, I would welcome the opportunity of discussing this with you further.

Yours sincerely,

Mrs. O. Lloyd

Mrs. O. Lloyd, County Bridleways Officer, B.H.S.

Omitted from above.

Byway 43.

Inspection commenced from Beild Drove Farm. Wide stone track flanked on both sides by level grass verges more than 10ft. wide, suitable and well used by horses and vehicles. The railway crossing is automatic, flashing lights and clear signs visible for some considerable distance away. I would consider this to be a safe crossing for horses.

**TOWER
FARM
RIDING
STABLES**

TOWER FARM, LITTLE DOWNHAM, ELY, CAMBRIDGESHIRE, CB6 2TG

Telephone PYMOOR (0353 87) 765

10th April 1989

Dear Mrs Lloyd,

With reference to your letter concerning the railway crossing byways 33 - 'A', Furlong Drove + Byway 47 (off Furlong Drove + Byway 43

We are very concerned about loss of use of these drives as we and many local riders use them extensively

The riding school itself uses Byways 43/44/ at least once a day in the summer and three to four times a week in winter, averaging 6-7 riders at a time

Livery clients use the same drives 4-5 times a week averaging 3-4 people at a time

On average 15 people living locally use these drives weekly throughout the year

Byway 33 is used by the R/S on average once every 3 weeks, the same by livery clients and slightly less by local people (3-3), the same number of our clients as stated above

These bridleways are some of the few remaining local drives to us that ~~are~~ consist of peat therefore offering good going all year round, without them our hacking particularly in winter would be drastically cut

22/2 At 28/2

Byways and Bridleways Trust

PO Box 117
Newcastle upon Tyne
NE3 5YT

tel 0973 405973
fax 0191 2364086

E-mail BBT@highwayman.demon.co.uk

Director of Environment and Transport
Cambridgeshire County Council
Shire Hall
Cambridge
CB3 0AP

14 February 1997

Dear Sir,

Application to downgrade BOAT 33 Little Downham to public bridleway at level crossing

Thank you for your letter of 10 February 1997

Does s116 encompass downgrading for safety reasons?

My local contacts say that this is an important road and they see no good reason to downgrade this level crossing. The reason, they believe, for the application is merely to improve the profitability of Railtrack.

Subject to your answer on my query above, I am minded to object if such an application is put before the court.

Yours faithfully,

Alan Kind

Chief Executive

Registered Charity Number 280214
VAT Number 600800596

26/2 AM 25/2

The motoring organisations' Land Access & Recreation Association
Promoting the responsible use of our environment for motor sports and recreation

From
The Information Officer
99 Cheshire Street
Market Drayton
TF9 1AE
Tel 01630 657627
Fax. 01630 658928

LARA HQ.
PO Box 9, Cannock
Staffs WS11 2PE
Tel. 01543 467218
Fax 01543 506176



Cambridgeshire County Council
Department of Environment & Transport
fax 01223 317735

For the attention of Mrs A Hodges

Proposed extinguishment of carriageway rights on Byway 33 Little Downham

Please record my objection to this Stopping-up proposal on behalf of LARA members
I understand that this proposal is being considered under Section 116 of the Highways Act
Therefore the magistrates will be asked to take on board the fact that the level crossing
section is unnecessary for vehicular use. However, local and other users make regular use of
this route with vehicles, and it does not seem logical to them, or to me, to claim that the
middle section of route has become unnecessary

I will endeavour to explain to the magistrates that recent Inspectors' decisions, and recent
action by Cambs CC in applying TROs, has reduced the amount of unsurfaced road available
for legitimate recreation in the county, and made what remains all the more necessary in
consequence

Please let me know if you find anything about the reason behind this application. Has any
survey of actual use taken place? Is there anything else which has brought this route, which
has existed for many years, newly to the attention of the Railway company?

Finally I ask if Main Drove, the proposed alternative route, offers the same riding or driving
experience as BOAT 33? In other words, is Main Drove an unsurfaced green lane redolent of
the roads of 100 and 200 years ago, or is it merely a tarmac road, and therefore of no rel-
evance to Trail Riders or Green Laners who enjoy using unsurfaced roads?

Sincerely

Tim Stevens

LARA: part of the solution

16/3

AH

3/3

26 Meadowcroft,
Stretham, Ely,
Cams CB6 3JY
6/3/97

Proposed downgrading of section
of byway no 33 Little Downham
to bridleway

Dear Mrs Hodges,

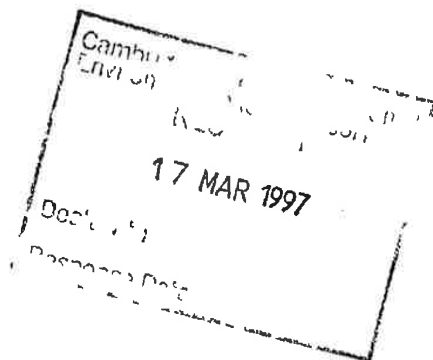
It seems that Railtrack has already decided that this section of byway is going to be downgraded to bridleway as they have already installed the new gates of bridleway width, surely an illegal obstruction at present. If safety is their main concern for this downgrading then why stop at bridleway, why not make it footpath, after all it would be much safer not to have the often unpredictable horse on the rail line!

I do object to this downgrading, I see no reason for it other than to save Railtrack the cost of maintaining it to byway status. This could spell the beginning of the end for this byway for without being able to pass along its full length it will probably fall into disuse. If this downgrading is easily got how many more of our byways will suffer in the same way?

Yours sincerely



Carol Perry
LARA Rep Cams



20/3 AH 31/3

78 High Street,
Girton, Cambridge,
Cambs CB3 0QL
7/3/97

Dear Mrs Hodges,

With reference to the proposed downgrading to bridleway of the level crossing section of byway no 33 also known as 'A' Furlong Drove, Little Downham

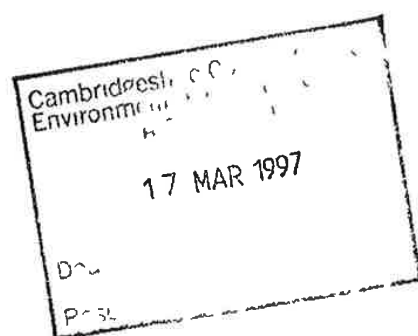
A few years ago a small group of local 4x4 drivers including myself attempted to use this byway only to find the gates at the crossing locked, presumably by British Rail To the best of my knowledge this fact was reported to Cambridgeshire Council by Jo Graham, LARA respondent and former member of Cambridgeshire countryside advisory working party ROW committee

On the 2nd March 1997 having heard of the proposed reclassification of this byway I walked to the level crossing in the middle of the byway where I found newly installed gates and concrete posts only approximately 5 feet wide and therefore not wide enough for the traffic permitted to use a byway to cross the line Surely this constitutes an illegal obstruction of a public highway

I consider the down grading of this section to bridleway as Railtrack trying to avoid the removal of these gates and not as a safety point on the crossing If a horse was to be frightened on the crossing the rider could be rendered unconscious on the line and would be much less likely to be seen by a train driver than a motor vehicle would be Also carrying out this revision would reduce the chances of said riders being found This also would be yet another reduction in the number of byways available to be driven in a 4 wheeled vehicle or horse drawn carriage which are already being reduced in small numbers each year

Yours Sincerely

Mr S Naylor



Report on request by Railtrack for application to magistrates court for downgrading of level crossing at Byway Open to All Traffic No33 Little Downham to public bridleway

To: Stuart Admans

From: Alysoun Hodges (Countryside Access Team) via Sam Clift Streetworks Co-ordinator

Date: 11 June 1997

Ref: G306/62

1. Purpose

1 1 The County Council has received a request from Railtrack under s117 of the Highways Act 1980 that application be made to the Magistrates Court under s116 of that Act to have the level crossing at Byway Open to All Traffic (BOAT) No33 Little Downham ('A' Furlong Drove) downgraded to a public bridleway. Attached is a location plan, also showing the section to be downgraded. The rest of the route would remain as a BOAT.

1 2 The purpose of this report is to present the replies received to consultations so that a decision can be made on whether to make an application to the Magistrates Court.

2 Grounds

2 1 Section 116 of the Highways Act states that where a highway is unnecessary or can be diverted so as to make it nearer or more commodious to the public the magistrates court may by order authorise it to be stopped up or diverted.

2 2 Railtrack have advised that the level crossing should be downgraded as an alternative vehicular route, Main Drove Little Downham, is available and speed increases on the line make the downgrading desirable. Main Drove runs to the north east of 'A' Furlong Drove and has a modernised level crossing with automatic half barriers.

3 Background

3 1 This proposed downgrading (to footpath only) was first raised by the British Rail Property Board (BRPB) in February 1989. During 1989/90 consultations took place with local horseriders, which persuaded BRPB to agree to apply for a downgrading to bridleway. Details were sent to the Council's legal section in May 1990. Intermittent correspondence followed. Copies of the papers were passed to Sam Clift in July 1991. BRPB and Sam Clift both wrote to legal in March 1992 to see if the matter could be progressed. However, due to staff changes in legal no progress was made and the file was subsequently closed by legal.

3 2 In June 1995 Railtrack (successor to BRPB) wrote to the rights of way Section asking if the matter could be reopened. A site meeting was held in November.

1995 During 1996 Railtrack consulted with the parish council and a horseriders user group (East Anglian Trails) In January 1997, the rights of way section advised Railtrack that a wider range of interested parties, including groups representing vehicular users, should be consulted, and consultations were carried out in February 1997 We also reminded them of the need to consider private vehicular rights of access, and requested confirmation that the Council's costs would be met (a copy of this letter dated 27 January 1997 is attached, along with Railtrack's reply dated 14 February 1997)

4 Consultations

4 1 Consultations have been carried out with the parish and district councils (parish by Railtrack), prescribed user groups and local user groups The following replies have been received (copies attached for your consideration, brief summaries below)

- Little Downham Parish Council - agreed in 1989 to reduction in status, in 1996 did not state that this had changed
- East Cambridgeshire District Council - no reply
- Byways and Bridleways Trust - local contacts say that it is an important road and see no good reason to downgrade, minded to object
- LARA Information Officer - objects to proposal, local and other users make regular use of the route with vehicles, does not seem logical to claim middle section has become unnecessary
- Local LARA rep - objects to downgrading, sees no reason for it, does not consider safety argument to be met by downgrading to a bridleway of gates than with safety
- East Anglian Trails - no objections to downgrading to bridleway, but consider that a telephone is essential

5 Conclusion

5 1 The safety issues put forward by Railtrack do not constitute a reason for stopping up of the highway under s116 of the Highways Act 1980 That Act requires that the highway be unnecessary for public use Although an alternative vehicular crossing is available, this is on a route of a different character than 'A' Furlong Drove The replies from user groups and one individual user indicate that the crossing is used by the public with vehicles and there is a demand of this access to remain

6 Recommendation

6 1 That no application be made to the magistrates court for the downgrading of the level crossing on BOAT 33 Little Downham on the grounds that it cannot be shown to be unnecessary, and Railtrack be advised accordingly

Your Ref: RT/EMP/74 25/MN
My Ref: AH/G306/65
Date: 22 October 1997
Please ask for: Mrs. Hodges
Direct Dial No: Cambridge (01223) 717721
Fax No: Cambridge (01223) 718159

Railtrack
PO Box 294
Floor 14(L)
Network Technical Centre
Wellesley Grove
Croydon CR9 1RT

for the attention of Michael Nye

Dear Mr Nye

**Little Downham Byway No33
Application for Downgrading to Bridleway under s116 Highways Act
1980**

With regard to the above application, I have now received a response from my colleague who has been considering the matter. He has stated that he is unable to support an application as he can see no reason or advantage in changing the status of BOAT33 Little Downham.

The County Council will not therefore be able to make an application to the magistrates court at the current time.

Yours sincerely,



Mrs A Hodges, Senior Definitive Map Officer