

PUBLIC INQUIRY

APPLICATION BY NETWORK RAIL UNDER TRANSPORT AND WORKS ACT 1992

PROPOSED NETWORK RAIL (CAMBRIDGESHIRE LEVEL CROSSING REDUCTION) ORDER 201X

OBJ/12-CAMBRIDGESHIRE COUNTY COUNCIL PROOF OF EVIDENCE

KAREN CHAMPION

RIGHTS OF WAY OFFICER, AREA EAST

INTRODUCTION

1. I am employed by Cambridgeshire County Council (CCC) as a Rights of Way (RoW) Officer and my patch covers the East Cambridgeshire District Area. In this role, I have responsibility for maintaining the public rights of way (PRoW) network and asserting and protecting all public paths recorded on the Definitive Map and Statement of PRoW for Cambridgeshire. Some 15 of these public paths in the county are the subject of the Transport & Works Act Order (TWAo) application made by Network Rail (NR) to either extinguish or divert the paths in question.
2. I have been a ROW Officer in Cambridgeshire since August 1988. I had experience of working in East Cambridgeshire, South Cambridgeshire and Huntingdonshire areas before becoming a general RoW Officer for south and then east areas. I have experience of crop obstruction work and have also contributed to work with Local Highways Officers covering the Fenland area.
3. I have attended courses run by local authorities and Institute of Public Rights of Way Management (IPROW) covering areas such as: Drainage, Surfacing and Working with Difficult People, Managing Contracts and Site Health & Safety.

4. I was involved in the development of CCC's Rights of Way Improvement Plan (RoWIP), particularly in reviewing the network and the problems that roads create in terms of severance of path links in the network between communities. I have also participated in planning and road improvement work such as the Papworth Everard bypass and the new town at Northstowe, and other work to develop additional public access on County Farm land.
5. My responsibilities as a RoW Officer include: protecting the PRoW Network ensuring that it remains open and unobstructed; carrying out maintenance work using local contractors to complete small bridges, surfacing and drainage work and signposting In addition to this I also work with farms and landowners to help them comply with PRoW law. I liaise with the various users of the PRoW Network and their user groups to understand and try to deal with their complaints and with internal and external partners where our interests or land use necessitates.
6. I also have experience of publicity work for the PRoW Network at country shows and helping to advise on proposed diversions.
7. I moved to Cambridgeshire in 1981. I have owned and kept ponies in the area since 1981 until 2015. As a result, I have used the PRoW network from the village centres of Witchford, Little Downham, Sutton and Witcham, riding routes of between 12 and 20 miles. I therefore have good knowledge of how the various surfaces and infrastructure affect enjoyment.

GENERAL CONCERNS

8. I would like to note that CCC has only had a dedicated ROW Officer for the East and South areas until very recently appointing one for Huntingdonshire. This resource is spread very thinly, and therefore NR's proposed TWAO has caused CCC considerable difficulty in being able to adequately respond to it. This has had negative impact on the rest of officers' work.

9. In addition, NR's unofficial closure of some crossings during the consultation period in June 2016 created additional problems and generated complaints at a time when NR had commenced the consultation with little notice.
10. CCC has also been hindered by a lack of detailed local knowledge paths particularly in the Fenland area. Despite this, officers have endeavoured to be collaborative with NR. CCC did request copies of Mott MacDonald's site visit reports, but these have not been provided. This has meant that in the earlier consultation phase officers had to rely on NR's paper proposals in many instances. Joint site visits in particular would have been a more effective approach, ensuring that we were all clear about the nature of the existing and proposed routes. It is CCC's normal practice to inspect proposed routes with the landowner, in order that I can assess the likely public access and maintenance issues, and thus suitability and convenience of them. I can then advise the landowner accordingly. Often, this results in a different solution being agreed.
11. It was only in September 2017 that I was invited to accompany NR engineers on site visits, and this was at short notice and only related to the proposed new bridges have showed up on site at short notice. I changed my plans in order to be able to do this, for the reasons set out in paragraph 3.
12. The plans used during the site visits were not those offered during the consultation period. There may have been changes for good reasons, however it would have been helpful for NR to have recognised the resource constraints faced by CCC and to have highlighted these changes rather than just leaving it for CCC to identify changes in the Order plans deposited in March 2017.
13. This has led to confusion about exactly what NR's proposals are and I would submit that this is confusing for both CCC colleagues and others working on the project.

SITE SPECIFIC CONCERNS

C03 West River Bridge, Little Thetford, Footpath No. 7

14. The current route runs along the South side of the River Great Ouse from West to East. It crosses the railway line at C03 West River Bridge at the point where the Railway Bridge meets the south bank of the river. As it is on a flood bank, it is dry all year round, allowing continuous access.
15. NR propose to divert the footpath beneath NR Bridge No.1537 as a two-metre wide footpath. Stone surfacing is to be provided under the bridge.
16. The proposed diversion takes users from a raised route along the river's engineered flood bank and over the level crossing to a route leading down a steep bank to the edge of a known flood plain where the bank meets the river.
17. Being a promoted route (OVW), this means that the route is generally well used and it attracts people who are not familiar with the landscape to walk the route. This puts particular emphasis on the safety of the route.
18. The diversion route also requires users to negotiate their way down a steep 3 metre high raised river bank to get to the path under the bridge and to then negotiate the same on the other side.
19. The purpose of the river's flood banks is to provide a storage area within these banks during times of flooding. The additional water in the catchment area of the river, together with excess water pumped from the low lying agricultural land is stored within the flood plain whilst it awaits outflow at Denver Sluice out to the sea when the tide allows it to be discharged. Water in this area is managed by engineers rather than being natural flow. Both Cambridgeshire and Norfolk bases its agriculture on reclaimed fen land. There is competition for space at Denver to adequately discharge the extra water which means that there may be a need for storage on the flood plain for some time. It is for this reason

that I am concerned about the proposed diversion of FP 7 into the flood plain from the flood bank.

20. Flooding may interrupt the use of the path for longer than the odd rainy period. Where walkers make a wrong decision to risk using the path in adverse conditions they may step into the course of the river and be in danger of infection or drowning. As set out in Camilla Rhodes's evidence, the Environment Agency (EA) have said it is a high risk flood area. NR's proposed solution does not mitigate this and I do not consider the proposed diversion to be a suitable alternative to the route already in use.
21. Maintenance: There would have to be substantial works undertaken for the proposed diversion, including the inclusion of steps or some type of ramp at the river banks. However, CCC have yet to be presented with any such plans.
22. Due to the lack of detailed plans as well as the lack of flood surveys and data provided to CCC by NR for work to be done at this site, the EA have been unable to give guidance on the proposition.
23. NR's stonework proposals are not adequate as the area is at constant risk of being flooded. This means that the path will be unusable during flooded and storage periods. There is also a safety issue in that users might lose their footing on the stonework that is flooded and fall into the river.
24. At the time of my visit on 2nd October 2017, the surface of the river bank was about 45cm higher than the water level. Councillor Hunt's evidence is that the river regularly floods its banks by 1-2 feet in winter, which is 30-60cm. Therefore the path could be under water by at least 15cm.
25. Warning notices: Mott MacDonald suggest that a sign could be affixed at the location informing users that the route under the bridge will be unusable during periods of flooding. CCC maintains that this is unsatisfactory, and could even be misleading. There is

no information available in real time for a person to check whether flooded conditions will be a problem for them to complete their journey, and therefore the proposed warning is meaningless. The sign is either likely to be ignored altogether, and people will continue into a dangerous flood plain, or people will be aware of the flooding issue and will avoid the route. Neither option is acceptable to CCC as the Local Highway Authority.

26. CCC's position is that the works suggested by NR are not fit for purpose and that proper flood surveys and data should have been carried out by NR in order to assist CCC and the EA in approving any plans. An alternative solution such as that suggested by Councillor Hunt in his evidence needs to be considered.
27. Transference of liability: Due to the safety concerns I have outlined, this proposal would result in NR reducing their own liability but replacing one hazard with another, equally dangerous hazard by placing PRoW users at risk by into a known flood plain. The risk is not reduced, in fact it is increased, and it is transferred to the Highway Authority. The current hazard is something that users are used to dealing with, level crossings are commonplace in Cambridgeshire and the precautions to be taken are not unlike those at any road crossing. The proposed hazard of traversing a flood plain is much less common and users will be unused and ill-equipped to deal with it.
28. Loss of amenity and connectivity: I would submit to the inquiry that the proposed closure will make the route essentially unusable by much of the public. Once users are aware of the risk of flooding of the path, and therefore the inaccessibility of the route, they will likely stop using the route altogether.
29. Other users that continue to use the route regardless will have their enjoyment of the route significantly diminished by the inherent anxiety associated with the uncertainty of whether or not the path ahead will be flooded and therefore not walkable. This does not meet CCC ROWIP or government health policy aims.

30. In addition, the alternative routes that could be taken to circumvent the diversion are not reasonable alternatives as they would amount to a substantial diversion themselves. The proposal would clearly be a loss of amenity and connectivity.

31. CCC objects to the proposal for all the above reasons until such time as a satisfactory solution can be agreed.

C08 Ely North Junction.

32. The current route runs from Ely footpath 11 north-east and then crosses level crossing C08 before passing along the footpath due east. The route then turns north-east towards Queen Adelaide and Ely Road.
33. The current route is well used and the area to the west of the level crossing has been very popular with local users as an informal miniature nature reserve. Although it is a small area it is important to the local residents of Ely and its hamlet of Queen Adelaide as an attractive green area managed for grazing and hay in an otherwise urban and built up area. Local residents are known to enjoy the flora and fauna of the area particularly. This area is also important to the wildlife of the area and is really an amenity to the local community. NR's proposals would spoil the access to this area by making it narrow and convoluted rather than the simple route across the level crossing.
34. NR's proposals would close C08 and divert users due north from the closed crossing along a footpath adjacent to the railway line. The path then joins Ely Road and users will have to cross the railway line at Queen Adelaide level crossing before continuing due east along Ely Road.
35. Landowner compliance. CCC has not had the necessary opportunity to liaise with the landowners whose land the proposed footpath diversion would back onto. This is due to NR's use of a TWAO which does not lend itself to CCC conducting its usual protocols when dealing with a potential footpath diversion. Under the ss. 118A and 119A HA method, landowners could be properly consulted and maintenance liabilities of the landowner and of CCC as the Highway Authority could be properly discussed and agreed. In addition under the HA, the landowner would usually have a vested interest in keeping up the maintenance of the footpath as it would often be that landowner who proposed, or at the very least would benefit from, the diversion. NR's TWAO will make it very difficult to ensure that the footpath is kept clear of overhanging hedges as the law demands. As the landowners have not been properly consulted they may be unwilling to change their usual management of their hedges to one that ensures that the Public's right to pass by is not

hindered over the growing season, especially as the design of the route has not left adequate extra width to allow hedges to take up some room for growth over the year.

36. Understanding of route: CCC's officers, including myself, have had difficulty in understanding how the proposed footpath would look on the ground. The area to the South of the proposed diversion footpath and immediately to the West of C08 is heavily scrub covered with established blackthorn and bramble growth, to the extent that we have been unable to gain access to the area where the diversion footpath would begin in order to inspect it. This has meant that we are unable make accurate comments on NR's plans. In addition, I would submit to the Inquiry that NR cannot have adequate knowledge of the route themselves due to the same access issues. I believe that this proposed diversion has largely been a desktop exercise for NR with little understanding of how the proposal would look on the ground. This is not an adequate methodology, especially considering the impact that NR's proposals will have on the PRow Network. The blackthorn site should have been cleared of all growth to enable a proper assessment of the area to be made, my view is that it would be an area that would be maintenance hungry to keep in good order for the public to use and that they may not adopt it as part of their enjoyable walking areas.

37. CCC has on numerous occasions pointed out that we would like to be able to do joint site visits with NR in order to take a more collaborative approach. This has not happened. CCC has also requested Mott MacDonald (MM)'s survey notes but to date they have not been provided.

38. Maintenance issues: CCC has concerns that the proposed route will be difficult and expensive to maintain. Due to its proximity to an area of unmanaged scrub running to the West and East of the proposed footpath it is at risk of becoming overgrown and eventually unusable. As I alluded to earlier in my submission, NR's TWAO will make it difficult to ensure landowner compliance regarding their maintenance of the side of the proposed route abutting their land. In addition, NR do not have a track record of ensuring that scrub and invasive weeds on their own land is properly trimmed back and the route maintained.

CCC is concerned by the amount and cost of maintenance of the route that CCC, as the Highway Authority, will be forced to carry out. NR have not addressed these concerns.

39. Pinch point concerns: CCC has concerns about a potential pinch point at the North of the proposed route that does not correspond with NR regulations that all footpaths must be 3 metres from live running railway lines. The proposed path is between 1.9 and 2.7 metres from the running rail. These regulations are not arbitrary and CCC's concerns are well founded. There is an obvious safety issue with having the footpath so close to a railway line, even with the proposed fencing, not to mention the associated noise issue.

(C09 Second Drove and) C24 Cross Keys

40. Bridleway No. 25 is part of a promoted circular route, the Bishop's Way, which is a bridle route leading from Ely to the former bishop's palace at Little Downham to the North of Ely (see my exhibit at Tab 44 in CCC's Bundle of Evidence). It is a well-used network, as exemplified by the Bishop's Way leaflet.
41. I have persistently raised the problems with the BR25 Ely crossing with NR because the crossing infrastructure has always been substandard. For many years, there was a substandard (or no) decking. Satisfactory decking has been very recently installed, but only as a result of a derailment. There are 10 foot metal vehicular field gates on either side of the railway, presumably to primarily serve the needs of the private user. However, the gates are not properly hung for use from horseback, so the rider has to somehow manipulate the gate and the horse onto the railway. One of the gates drops badly on its hinges making it even more cumbersome to handle.
42. The signage at the level crossing is unclear as to whether it applies only to private users with animals or also horse-riders. NR's instruction appears to require the user to leave their horse on one side (potentially unsecured as there is no requirement to have one's horse on head collar); open both gates; cross with the horse; re-secure their horse and finally cross back to close the gates. Proper infrastructure would have to include the installation of proper bridle gates so that a rider can easily cross unaided. As a rider myself I would not cross it without another person to assist me. The view down the track is difficult to assess and the addition of red/green lights to assist the decision to cross would hugely improve the safety of doing so.
43. Two proposed footpaths are to be diverted to this crossing, which will increase usage, in addition the development of 1,300 new homes in Ely North will further increase usage. I understand that there may also be a new country park created to the west of the bridleway adjacent to the new development, which will draw up more people to the network.

44. I note from NR's Statement of Case, that this crossing has a worse All Level Crossing Risk Model (ALCRM) rating of C5 than the two crossings that are being closed and their paths diverted to it; C7 and D7 respectively. This means that a user doing a circular walk using BR25, FP49, FP50 and back down BR25 to Ely would use crossing C09 and the BR25 crossing. In NR's proposal, users will only be able to use the BR25 crossing for both directions. Given the proposed increased usage from the diversions and from the new housing development, in my opinion this makes it even more imperative that the crossing is brought up to standard to reduce risk.

45. Therefore, CCC maintains a holding objection in respect of C24 Cross Keys subject to the proposed works agreed and carried out to CCC's reasonable satisfaction as the Highway Authority.

46. Councillor Bailey in her evidence sets out the reasons for CCC's objection to C09 Second Drove. As the ROW Officer for this path, I agree with the points she makes.

C11 Furlong Drove, Little Downham.

47. Little Downham Byway No. 33 runs from the South near to Third Drove Due north-east it then runs across C11 Furlong Drove and continues north-east towards Short Drove.
48. NR's proposals would include closing the C11 Furlong Drove and also extinguish part of the byway on either side of the level crossing.
49. Amenity of route: The Byway leading to and from C11 is particularly popular with Cambridgeshire's horse riding community. I have used it myself, having ridden horses for 50 years, and I can attest to the route's importance as well as the needs of riders and their horses and the problems they encounter on the network. I know it to be well used by experienced horse-riders who travel from the surrounding area to take advantage of some of its unique amenities. In particular, due to its straightness, length, the route runs for 1km on either side of the C11 level crossing, and has the benefit of impeccable sightlines, it is one of the few routes in the county where horse riders can take advantage of a gallop and allow their horses to run at a faster pace than they ordinarily are capable of doing on other routes. The route is used by competitive horse riders in order to take advantage of this gallop. It is important for competition horses to be brought up to fitness and this gallop allows them to take advantage of a good facility.
50. I submit that NR's proposals would, in effect, amount to an extinguishment of the Byway. Horse riders, in particular, are unlikely to use the route if they are not able to cross the railway and make use of the gallop on either side of the line.
51. Connectivity: NR's diversion route would propose to divert users either to the East or to the West in an attempt to maintain connectivity between the North and South of the PRoW Network for the area. I would bring to the attention of the Inspector and the Inquiry that these routes already exist and that they are not commonly used by horse riders due to their proximity to busy roads. The verges that NR propose that horse riders use are too narrow and uneven for the proposals.

52. Safety concerns: due to the proximity of the proposed diversion routes to busy roads, which are used by traffic including heavy goods vehicles, and farm traffic there is an added safety concern of diverting horse riders along these routes. Horses can startle and the rider needs an adequate area to bring a horse back under control and the proposed bridleway is not of a sufficient width to mitigate this. Horses can swing sideways or run backwards avoiding the control by the bit and the rider needs to react with seat and legs to regain control which takes up room on the verge or track, this design does not leave a margin for managing this situation. I think the need for managing this kind of situation would reduce the number of rider/horse combinations that would be happy doing this journey, bearing in mind that even a highly competent rider may be training a novice horse and still need a safe margin of error to work with. As I mentioned earlier in my submissions, the route effectively makes an excellent route of little use for horse riders as it reduces the use of a good off road network to a mainly road based outing with the chance to experience large farm vehicles bearing down on the horse/rider combination visible from a long distance away with no prospect of good refuge for a horse showing signs of finding it difficult to allow the vehicle to pass whilst remaining calm.

C14 Eastrea Cross Drove

53. Whittleby Footpath No. 50 crosses the railway line at an angle and has poorly set stiles that have not been constructed to the relevant British Standard. The definitive line slants across the track, but deck boards have been provided to cross at the perpendicular which makes sense from the safety perspective. There is good visibility down the line in both directions.

54. The southern section of the footpath is a well-established drove in the landscape, needed for agricultural access and is set above the surrounding arable land and so is less vulnerable to flooding.

55. To the north of the railway crossing Footpath No. 50 follows an engineered track which is set above the surrounding arable land and is used by agricultural vehicles.

56. Along the proposed route of the diversion, all of the agricultural land slopes down to the two drainage ditches to the north of the track, so although the north-south ditches stop short of the proposed route, it is unclear what provision has been made for the proposed footpath replacement route. It is also unclear whether there is a flooding problem on the land on which the replacement route would run when the water table is high. During October 2017 when I undertook a site visit, crops at this point carried a high weed burden and the natural vegetation was reed, rush and burdock, which would make it difficult and expensive to maintain an unobstructed route. Bearing this in mind, it is likely that a properly engineered track would be necessary to sustain both tractor and pedestrian access to the fields.
57. Where the proposed route meets Wype Road from the east at point P006 there is a change in ground level and the need for a 10 metre span bridge. At the point where the pedestrians are looking to join Wype Road from the bridge at point P007, a road safety audit needs to be undertaken to assess the safety of pedestrians joining Wype Road at point P008 to enable a suitable solution to be implemented.
58. I commend the provision of the additional section of Footpath between points P008 and P009, as this will remove pedestrians the traffic on from Wype Road. However, any new entry point onto Wype Road will produce the sudden appearance of pedestrians into the road, and the raised railway crossing on the road causes difficulties with seeing whether the road is safe to join, or for traffic to see the pedestrians. This occurs close to the decision point for a driver coming from the south on Wype Road on Eastrea level crossing, if a pedestrian is encountered at the crossing it will be necessary for the driver to stop suddenly on the level crossing.
59. This is another example of NR transferring its liability for the level crossing onto CCC as the Highway Authority. The risk at level crossings will be transferred to a risk to pedestrians from road vehicles. In addition, CCC would take on a significantly greater

maintenance liability than is currently the case, and commuted sums would not easily address the extraordinary liability.

60. In my view the alternative route is neither suitable nor convenient, and I respectfully submit that the proposal should be refused.

C15 Brickyard Drove

61. Public Footpath No. 48 Whittlesey runs along a well engineered track. Existing stiles at the current level crossing for have not been constructed to the relevant British Standard. Hand gates would reduce the time taken for users to cross substantially, the crossing has deck boards in place. The crossing has very good visibility as the railway line is completely straight at this location. This route is engineered so that it is not vulnerable to flooding and has a good quality grass surface.

62. P001 – P002 on the TWAO plan will be extinguished under this proposal (A-B on CCC's diversion order-style plan at Tab 22), with a new footpath to be provided between points P001 and P003 (A-N-M-L). In contrast to the current path, this would run as a cross-field path over black fen soil which would make CCC liable for enforcing reinstatement of the path should the landowner default on their duty to reinstate the path after ploughing. The occupiers of Jamwell Farm will be liable to maintain their boundary hedges as a highway hedge so as not to interfere with the public right. There are currently signs of a badger setts/activity in the pasture associated with Jamwell Farm land. It will therefore be necessary for a badger survey to be undertaken on the proposed route to ascertain whether this will have an impact on future maintenance. The landowner who is the Whittlesey Charity have written to CCC stating that they object to the provision of this route on their land, saying the alternative route that was proposed by NR previously would have been preferable. A copy of this letter is included at Appendix 1 to my proof.

63. Where the proposed route meets Wype Road there is a change in ground level, therefore an engineering solution will need to be provided for this. A road safety audit will be

required to assess the safety of pedestrians joining Wype Road.

64. The suggested alternative route from Footpath No. 48 proceeding in a westerly direction along the verge of the B1096 Benwick Road to Footpath No. 41 is unsuitable as a replacement route, as this verge is narrow and formed from an unsuitable slope of 45% into an open drain (see the map at Tab 43 in CCC's Bundle for the wider highway network). Benwick Road is subject to frequent use by tractors and articulated lorries and therefore unpleasant for pedestrians. The matter of getting to the next open crossing (Fen Lots Drove) from Whittlesey Footpath No. 48 towards the proposed country park in Whittlesey should be addressed by this Order.

65. The verge on Wype Road between points P003 and P004 is also not suitable to offer to pedestrians in both of these cases, as the possible danger of crossing the railway is swapped for the probable danger of an unrestricted and narrow road used by intermittent, mixed traffic including articulated lorries and farm traffic.

66. A suitable replacement footpath link between Footpath No. 48 running west to Footpath No. 41 would be needed to make a safe route for pedestrians who would have otherwise used the crossing and followed Bridleway No. 61 which runs alongside the northern side of the railway line to reach Footpath No. 41 at Fen Lots Drove.

67. I would therefore respectfully submit that the proposal should be refused.

C16 & 17 Prickwillow 1 and 2

68. NR's proposals divert users from the crossings on either side of the bridge down respective banks and then under the bridges. The proposals will add two flights of steps onto either bank in order for users to get down the bank.
69. CCC are concerned that this will lead to a greater maintenance liability for the steps themselves. CCC had also raised concerns about additional difficulty for maintenance with mowing machines. However it is accepted that stiled crossing presented difficulties and that the steps are no worse in that respect (apart from contractors having to negotiate the steps and road). It would have been helpful for the TWAO to have provided CC with private rights of access up ramps. However it is acknowledged that that would have been an improvement.
70. The diversions will redirect users onto Padnal Road, on C16 side, and Branch Road, on the C17 side, respectively. These roads are used by commercial agricultural vehicles to access the fields and to remove bulk crops. The vehicles barely fit through the railway bridge and need good distances to stop. My concern is that there will be an inadequate safe refuge area for pedestrians at the foot of the steps, putting them at risk. In addition, due to the poor restricted visibility arising from the railway bridge, pedestrians could appear in the road with no notice, causing the vehicles to run into them.
71. This is also a case of NR transferring its liability for the level crossing onto CCC as the HA. The risk at level crossings will be transferred to a risk to pedestrians from road vehicles.
72. There has also been no schedule for the details of the proposal and therefore CCC cannot accept the proposal as it currently stands.

C20 Leonards

73. Public Footpath No. 101 Soham is a path well-used by local residents. In 2016 I undertook significant works replacing two bridges that were in poor repair. Just before I managed to do the works, CCC received a claim from an elderly gentleman who had had an accident on the one at point C on the order-style map at Tab 43. He had received assistance from four schoolboys who were also using the path at the time.
74. I inspected this route with Camilla Rhodes on 2nd October 2017. Section C-D on the map has a 3m wide area of brambles along the field edge adjacent to a deep drain, which feeds the brambles. This is a problem as the landowner is not known but would be responsible for it. Although the path could and should be set out away from the brambles, it would still create significant problems for CCC having to enforce against the landowner, or having the cost of having to maintain it. As CCC does not have the budget for the repeated management of an invasive species.
75. Section D-E presents further significant problems, because of the current unmanaged drain and hedges. The drain was spilling up to the edge of the route on my visit. If the path were to be diverted there, the landowner(s) would acquire the liability to maintain these as features adjacent to a highway. As it is a narrow route about 4m wide (hedge-root to drain), these problems would be ever-present. In my experience, the landowner could well not be aware of these implications. Therefore NR would need to speak with the landowner first in order to ensure they are aware of their new duties.
76. At point E there is another large area of unmanaged brambles, which would cause CCC similar significant ongoing maintenance problems.
77. At point F where the tractor track goes there could well be a culvert, and CCC would need to know more about the structure to assess its suitability. We would also need to be assured that the landowner would carry the liability for it.

78. At point G the proposed bridge would need to be designed so that pedestrians have a safe refuge area in between the bridge and the road to enable them to make decisions in a safe place.
79. I would also point out that point G and the proposed bridge is on common land, which will require appropriate consent from the Secretary of State. As far as I am aware, this has not been identified and covered in the TWAO.
80. Both bridges will need consent from the local Internal Drainage Board (IDB).
81. The current path has none of these problems. It passes over paddocks and an arable field and is dry underfoot. It only crosses drains, rather than going alongside them as the alternative route would do. It is direct and there crossing infrastructure is good. By contrast, the alternative route is complicated and convoluted, going away from the principal desire line. It is neither convenient nor suitable for the path users or for maintenance.
82. I would therefore respectfully submit that the proposal be refused. Should the proposal be allowed, additional commuted sums would be needed for the extraordinary maintenance liability incurred by CCC, not just for the additional length of surface to be cut.

C21 Newmarket Bridge

83. Public Footpath No. 24 Ely runs along the top of the flood bank between Ely and Barway in Soham. The route has been improved as a permissive cycleway to the vegetable packing plant at Barway. This was established because the Eastern European works living in Ely were accessing the path over the railway bridge from the Wells Engine side. It is well-used by both cyclists and walkers.
84. The cycleway diverts under the railway at the crossing point. However the public footpath crosses the railway on the level, where there is a wooden handgate, on top of the flood bank.
85. As for C03, the EA have said that no flood data is available to indicate the expected nature of flood events in the location. However, the EA has also stated that the path is in a high flood risk zone. Indeed the area between the two flood banks is designed for holding water in times of flood. The water in the river catchment is managed and can be used for storing water from flood events as far away as Bedford. I have set out in more detail the background to the nature of flood banks and plains at paragraph 22 above. This applies to this location as well.
86. It is not known what happens in times of flood. At present, the public can use the level crossing should the underpass be flooded. Therefore, if the path floods, it is possible that those using the underpass, including cyclists, currently use the level crossing to continue their journey. Under NR's proposal, one would therefore be replacing a route that can be accessed 24/7 with a route that cannot be accessed during times of flood.
87. In addition, the cycle route is tarmacked but I am aware that it was not built to CCC specification, as it was a Sustrans project built with limited funds. The surface is already cracking on the slopes, and I am concerned that this would be a significant maintenance liability if it were the only option.

88. Further, I am concerned that the angle of the route down and up the bank is greater than that required by the Equality Act 2010. This needs checking. There would also be a risk of pedestrians slipping in icy conditions. Both these issues would result in a significant adverse impact on pedestrians in comparison with the at-grade path crossing.

89. Due to the unknowns and potential safety risks, it is my view the proposed solution as it currently stands cannot be accepted. Full details concerning flood events and detailed design addressing the maintenance and access need to be provided, and consents acquired from the EA before such a proposal can be put forward again.

C22 Wells Engine

90. Public Footpath No. 23 Ely runs along the top of the flood bank on western side of the River Great Ouse. I visited this site on 31st October 2017, and I would say that the proposed alternative is neither suitable nor convenient for use by the public.
91. By comparison with the existing route on the flood bank, which is cut by the Environment Agency and has a manageable nature of vegetation, the alternative route would leave the safety of the flood bank and go down some 3m into the flood plain for 196m around the abutment of the railway bridge and up the flood bank on the northern side. This is four times longer than the existing route of 43m. It is an area colonised by water-loving, rank and invasive vegetation over and around the proposed route. It is hazardous area of trips and slips, as one is unable to properly check one's footfall. The flooding environment is formed from nutrient-rich material which feeds the invasive vegetation.
92. It is not clear exactly what is proposed in terms of works, but it seems to be simply an application of a stone surface. Whether this is just under the bridge or the whole route is not clear. However, there is a limit to what chemicals you could apply to keep the invasive vegetation down due to the close proximity of the river. This sort of vegetation is vigorous and re-establishes itself within a fortnight after a cut. It would soon break through a stone surface. The site is distant from any points of access for maintenance by CCC. It would be too resource-intensive to maintain it sufficiently to keep it open and unobstructed for easy and enjoyable use by the public.
93. In addition, the presence of graffiti, litter and human waste under the bridge in the location of the proposed route indicates that it is a site of low level crime and anti-social behaviour. Some of this nuisance could arise from boat users. A person using the path would be unable to see what was going on under the archway until coming upon it, which would lead to anxiety about their personal safety. The location is 1km away from the nearest public road near Ely, and over 5km to the south, so there would be no help at hand. This could significantly discourage people from using the route.

94. Further, the same hazardous flood plain issues that I have set out at paragraph 72 above also apply to this location.

95. Therefore the proposed alternative route is not suitable or convenient for all these reason, and I respectfully submit that the proposal be refused.

C25 Clayway

96. The current line of Public Footpath No. 11 Littleport provides a direct link for walkers from the network at Footpath 10 across Padnal Road to the River Great Ouse and the Fen River's Way. It is important for dog walkers and for local walking groups like the Heart Beat Group.
97. NR's proposals would close level crossing C25 Clayway and divert users onto Padnal Road. A new 12 metre long footway will be created on Victoria Road in order to connect the route towards Sandhill road level crossing where users will cross the railway, crossing the entrance to Sandhill before joining a new footpath link up to FP21 on the river bank.
98. This route was previously proposed for closure under a s118A Highways Act 1980 Public Path Extinguishment Order in 2003, and in 2004 the Inspector rejected the proposal. The improvement works recommended in the Inspector's report were, to the best of my knowledge, undertaken. However I would point out that in my view the crossing could be further improved. CCC's aim is to remove all stiles across its network as studies show that 50% of the population are disbenefitted by stiles. In addition the British Standard 5079 Gaps, Gates and Stiles Specification 2006 advises that gates accommodate more of the population. In my view, gates also reduce the amount of time pedestrians spend in the danger area, and allow them to concentrate on seeing whether or not it is safe to cross rather than negotiating the stile.
99. The proposed diversion via Padnal Road to the road level crossing at Sandhill has a higher collective risk with an ALCRM score of D2 as opposed to C5 at Clayway. In addition, the increased use at Sandhill may further increase the collective risk of Sandhill level crossing as collective risk goes up with increased use.
100. In addition, the proposals would require users to walk along the side of Padnal Road. Not only is this a route that is currently available, making this an extinguishment, but it is

not enjoyable in comparison with the existing off-road route. Three sides of a rectangle is also nowhere near as direct as the current route.

101. The proposal would see an increase in street infrastructure to maintain, and a transfer of risk from NR to CCC as the Highway Authority.

102. For these reasons, I consider that the proposed alternative is neither suitable nor convenient for the purpose for which the path is currently used. I respectfully submit that the proposal is refused.

C26 Poplar Drove & C27 Willow Row Drove, Littleport

103. Currently, the public have the option of using either Poplar Drove, an unclassified public road, or Public Byway No. 30, known as Willow Row Drove, in order to access the PROW network at an isolated area of countryside, allowing circular routes on a small network of byways and very minor roads. The network in the area is limited, and therefore it is all the more valued.
104. NR's proposal is to extinguish the Byway PROW over C27 Willow Row Drove and to add a PROW parallel to the railway track to provide for bridleway traffic to continue on their way via the remaining C26 Poplar Drove level crossing.
105. I am concerned that heavy vehicles that serve local farms will be diverted to a single crossing as opposed to being shared between both crossings.
106. I note from NR's Statement of Case that no ALCRM score has been provided for Poplar Drove and I am concerned by the safety issues and impact on the collective risk of that crossing. Collective risk goes up as you increase user, therefore by increasing the number of users of C26 the collective risk may go up at this crossing.
107. I noted on my site visit on 11th October 2017 that the gates serving C26 were in better order and easier to use than those at C27. However for a byway defined as mainly used by the public to walk and ride, I would recommend that purpose designed bridle gates 1.525m wide useable from a mounted position would serve the public better than trying to operate large farm gates. This is an open landscape and heavy gates are difficult to manipulate in windy weather. 1.525m wide gate would serve horse riders, pedestrians and motorcyclists well and reduce the time spent operating the crossing. It is important that people using the crossing are concentrating on whether or not it is safe to cross, rather than the idiosyncrasies of poor infrastructure.
108. The single track is straight and unobstructed by trees, giving good sightlines. There are properties keeping horses and ponies in the area and it is likely that they depend on these routes for regular exercise of their animals. Despite NR's consultation, these people may be unaware that their routes are compromised by this project.

109. CCC has recently been made aware that the Trail Riders Fellowship (TRF), a group for considerate off-road motorcyclists, have tried to get their points across to NR. They use these route for regular visits and rely on particular on the C27 Willow Row Drove crossing to make up their circuits to carry out their hobby. The proofs of Adrian Kendall, Mark Tuck and other TRF witnesses set out in detail how and why they use the byway network for physical fitness, mental stress relief, camaraderie and the pursuit of technical skill. They are out in a group for this particular hobby and road time is not the object of the outing, in a similar way as the horse riders' wish to be off-road.

110. CCC is therefore asking for the bridleway route shown on the NR closure plan to be offered at BOAT status with a view to limiting motorised traffic to no more than two wheels (by a Traffic Regulation Order (TRO)) to cater for the TRF's reasonable request in order that they can continue to value and enjoy these routes.

111. Littleport Byway 30 is a mile long beyond the crossing and looked to be a grassy track throughout its length on my site visit. CCC's tenant farmer was proud of his part in keeping it in good order. The minor, unclassified road network, together with the byways offer a quiet rural area that is well away from the A10 and the town of Littleport and this seems to be what the users value about the route. Two open crossings preserve the feeling that you are exploring the area in a way that the single crossing would impose a restriction and doubling back for those unwilling to risk including the A10 road in their journey.

112. Therefore in my view the proposed alternative route is not suitable or convenient for all these reason, and I respectfully submit that the proposal be refused.



Signed

Dated.....31/10/2017.....