

PUBLIC INQUIRY

APPLICATION BY NETWORK RAIL UNDER TRANSPORT AND WORKS ACT 1992

PROPOSED NETWORK RAIL (CAMBRIDGESHIRE LEVEL CROSSING) REDUCTION ORDER 200X

OBJ/12-CAMBRIDGESHIRE COUNTY COUNCIL SUMMARY PROOF OF EVIDENCE

KAREN CHAMPION

RIGHTS OF WAY OFFICER, AREA EAST

INTRODUCTION

1. This Summary Proof of Evidence will deal with the first chapter of my main Proof of Evidence (PoE) which concerns my Introduction, General Concerns and Site Specific concerns for C03 West River Bridge, Little Thetford, Footpath No. 7.
2. I am employed by Cambridgeshire County Council (CCC) as a Right of Way Officer. I set out details of my employment, qualifications and responsibilities in my main PoE under the Introduction heading.

GENERAL CONCERNS

3. Under the 'General Concerns' heading of my main PoE, I set out my main, pervasive concerns to Network Rail (NR)'s Transport and Works Act Order (TWAO) Application.

4. At paragraph 8 I make the point that RoW Officer time has been spread thinly and that this has had a negative impact on the rest of our work.
5. At paragraph 9 I detail the issues faced with NR's unofficial closure of crossings during the consultation period and how that has made them difficult to visit.
6. At paragraph 10 I explain the difficulties that not having Mott Macdonald (MM)'s site visit reports. I also detail the issues of NR's refusal to undertake joint site visits with CCC, despite our repeated requests for them.
7. At paragraphs 12 and 13 I detail the confusion that has come about from NR employees not having to hand the most up to date plans for reference on the few occasions that NR employees have requested joint site visits and were only in relation to proposed new bridges.

SITE SPECIFIC CONCERNS

8. Under the 'Site Specific Concerns' heading of my main PoE, I set out my specific concerns with NR's TWAO Application pertaining to individual crossings.

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

9. At paragraph 14 I give details of Footpath No.7 and its route over level crossing C03 and at paragraph 15 I give details of NR's proposed diversion route.
10. The rest of this Summary Proof is a verbatim copy of my Site Specific concerns for C03 West River Bridge, Little Thetford, Footpath No. 7.
11. 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.

12. 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.
13. 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.
14. 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.
15. 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.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.

22. 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.

23. 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.

24. 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.

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



Signed

Dated31/10/2017.....