

## **PUBLIC INQUIRY**

### **APPLICATION BY NETWORK RAIL UNDER TRANSPORT AND WORKS ACT 1992**

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

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**OBJ/12-CAMBRIDGESHIRE COUNTY COUNCIL  
PROOF OF EVIDENCE  
LAURENCE SMITH  
ASSET INFORMATION DEFINITIVE MAP MANAGER  
C04 NO NAME NO. 20, MELDRETH**

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#### **INTRODUCTION**

1. I am employed by Cambridgeshire County Council (CCC) as the Asset Information Definitive Map Manager. I have sixteen years' experience of Definitive Map work and have been employed by Cambridgeshire County Council as Manager of the Definitive Map Team since 2014. Prior to this I was employed by the Council as a Definitive Map Officer for one year. Before this I managed the Definitive Map Team at Somerset County Council for five years, having previously held Definitive Map Officer posts at both Somerset and Cornwall.
2. I have a BA (Hons) in Heritage Studies and a HND in Rural Resource Management.
3. Whilst working in Definitive Map roles I have investigated the status of disputed public rights of way in Somerset and Cambridgeshire and have overseen the work of the teams responsible for this, which has included critically evaluating officers' investigations into disputed routes before they are submitted for formal decision.
4. I have considerable experience of evaluating a wide range of documentary evidence sources and evidence of public use provided by witnesses. I have acted as the Authority's witness at previous public inquiries that have been convened to determine the status of disputed rights of way.

5. I have been a member of the Institute of Public Rights of Way and Access Management (IPROW) for 15 years and have attended courses arranged by IPROW and other organisations on understanding and evaluating user and documentary evidence.
6. I have had contact with NR throughout the duration of the Transport and Works Act Order (TWAO) Application process. This has included meetings with NR officials as well as intermittent correspondence. However, it has been sporadic and often at quite short notice.
7. In my submission to the Inquiry, I set out my assessment of Network Rail's (NR) proposed closure the level crossing known as C04 No name No.20, Meldreth over which Meldreth Footpath No. 10 runs, and the proposed alternative route.

## **SITE SPECIFIC CONCERNS**

### **C04 No name no. 20, Meldreth – Public Footpath No. 10**

1. In my view, Network Rail's explanations of the reasons for this proposed closure is not justified. Network Rail have recorded that the key risk drivers in respect of this crossing are low sighting time, sun glare and frequent trains. I will now comment on each of these drivers in turn.
2. Low sighting time: the railway line is straight in either direction from this crossing. It remains straight for 3.5km to the south of the crossing, as far as Royston and for 3.2 km to the north, as far as Shepreth and the topography of the land slopes gently down from the Royston direction and is largely flat to the north. Sight lines are therefore good at this crossing and approaching trains are visible from some distance away. It is not therefore considered that there is any issue with sight lines at this crossing.
3. Sun glare: Sun glare can apply to equally to users on the road and there are many more decisions that a user has to take in a road environment. Glare from a road surface can be considerable, especially if it is wet. Glare from a railway line will be more limited to the surface of the four rails present at this crossing. It is not

therefore considered that sun glare would significantly affect visibility of oncoming trains at this crossing.

4. Frequent trains: It is my understanding that up to 8 passenger trains per hour use this line with four stopping services per hour that call at Meldreth and four fast services per hour that do not stop. I have not been able to ascertain the number of freight movements at this crossing, however would expect that trains from the nearby Barrington Quarry may use this stretch of line. I understand that the maximum train speed for this line is 90 mph, however due to the narrowness of the platforms at the nearby Meldreth Station the speed of trains that do not stop at the station are limited due to this.
5. When I have visited both this crossing and the other crossing situated near Harston (C07) the frequency of trains did not appear great and although they were regular, there were significant periods of time within which no trains passed. This line is considerably quieter than some other lines such as the East or West Coast Main lines and train do not appear to be so frequent as to preclude users from crossing for any period of time other than having to wait for one or two trains to pass.
6. Therefore, relatively speaking, the trains are not travelling at a high speed, are regular but sparse and easily visible. I would submit to the Inquiry that this proposed closure is not satisfying NR's own criteria for determining closures as this crossing is relatively safe compared to other crossings that NR are not proposing to close at the moment.
7. NR also cite a recorded incident of a near miss at this crossing. NR have not raised the incident of misuse with CCC and CCC suggests that this could have been done to enable a discussion over whether it is possible to address it.
8. I first became involved in the proposed closure of this crossing in April of this year. I attended a site meeting on 3<sup>rd</sup> April 2017 where the proposal was discussed next to the entrance to the industrial estate. Those present were the Area Rights of Way Officer, Peter Gaskin; the local County Councillor, Susan van de Ven; the local landowner who owns the poultry unit next to the proposed diverted route of

Footpath No. 10, Mr Burlton and Hannah Padfield from the National Farmers Union (NFU). During the site meeting which lasted for around an hour, between 15 and 20 vehicle movements took place including tractors with trailers, a crane and numerous vans. It was also noted at the meeting that a small coach firm who operate local school buses are based at the industrial units. There are around 15 occasions each day when coaches enter and exit the site. The landowner also has a significant number of agricultural vehicle movements associated with their poultry operation that occur every 6-8 weeks in accordance with poultry rearing cycles. The landowner expressed their dissatisfaction with the proposal at the meeting as it presented a biosecurity issue for his poultry unit with the diverted route of the path being situated so close to it.

9. CCC follows an internal procedure where an Authorisation Form is completed for all proposed diversions of public rights of way. This is used to help officers identify any potential issues that need to be addressed before a proposal proceeds any further. I completed an Authorisation Form for this proposed diversion to help illustrate the many issues that there are with this proposal. This is included as Appendix 4 to this proof and illustrates the issues associated with this proposal fails CCC's formally adopted NMU adoption criteria, is contrary to the provisions contained in the Equalities Act and shows that the proposed route is dangerous where it runs over the railway bridge and passes access points to the industrial estate.
10. CCC has consistently objected to this proposal, including to the original proposal of June 2016 and the current one.

## **INFRASTRUCTURE CONCERNS**

11. NR have constructed stiles on either side of the level crossing. These stiles are in poor condition and do not appear to have been maintained. The stile on the eastern side of the crossing is in a particularly poor state of repair as the wooden dog flap has completely come off and is laying on the ground beside the stile.
12. The stiles themselves are not an amenable method of providing access to a level crossing. Stiles create problems for dog walkers and are essentially impassable for

some elderly or disabled users. The Definitive Statement for Footpath No. 10 (see appendices 1 and 2) records that the path was dedicated subject to the existence of gates at either side of this level crossing. The 1952 Definitive Map that is contemporaneous with the production of these Statements records the presence of field gates at either side of the level crossing as denoted by the letters 'FG'. Gates at this location would therefore be lawful, however the stiles that are currently present constitute unlawful limitations to the public's use of the route, as they have not been formally authorised by the County Council.

13. The consideration of this proposal should therefore be assessed as if gates *were* present at these locations. The prevention of less able users from using the route resulting from the presence of the unlawful stiles should not be taken into account in comparing the accessibility of the current route versus the diverted route. No further limitations to public use are recorded in the Statement for this path. The use of stiles is also contrary to policies contained in the County Council's Rights of Way Improvement Plan.
14. This problem is an example of CCC's complaint raised in its Statement of Case that NR have, in many cases, failed in their duty to provide and maintain proper infrastructure at level crossings. Instead of rectifying the issue and providing improved infrastructure, to the benefit of the PROW Network and its users, NR are now attempting to transfer their own duties onto an already under-resourced Highway Authority, the County Council without providing an satisfactory alternative.
15. In NR's Design Guide at NR12 that forms part of the TWAO Application, NR propose to install a gate of type G1 (wicket gate) where the replacement path which is proposed to run in the field margin on the western side of Station Road meets the footway that runs alongside the road. This field is not used for grazing livestock, and as far as CCC is aware it would be an unnecessary limitation on the path. Therefore CCC requests that the proposed gate is removed from the Order plan and Schedule of Works.

16. In addition, the proposal takes users of a relatively safe level crossing and diverts them to a busy road, which is, in my opinion, a more dangerous environment. This is also evidenced by CCC's Review of Mott MacDonald's RSA1, which is covered in the statement of CCC's Road Safety Engineer. This raises significant concerns about the safety of pedestrians on the alternative route.
17. It is not possible for two users to pass comfortably on the section of pavement on the bridge, which is of around 1 metre in width. Those people walking dogs will find it difficult to use this as an alternative, as it will be difficult to prevent dogs on a lead from straying onto the road. In addition, less confident users will be less likely to want to use a route that feels less safe, being situated very close to busy traffic. As set out in Public enjoyment of Footpath Number 10 would be greatly reduced and correspondingly lower numbers of users would use the route. The closure will only serve to eliminate NR's own liability and only hinder other parties, i.e. local users, the County Council, road traffic on Station Road and the businesses on the nearby industrial estate.

## **CONCERNS OVER CONSULTATION**

18. Geoffrey Grimmer in his evidence refers to the site notices placed at the crossing by NR having been printed double sided and attached to wooden fence posts, so that one side of the notice is unreadable. My concern about this is that many other users may not have been aware of the consultation and realised the implications.

## **AMENITY CONCERNS**

19. The proposed diversion route being put forward by NR would cut out the most safe and enjoyable part of the PROW Network in question. The route is regularly used by pedestrians, including dog-walkers and runners. It forms part of a circular route and also provides an opportunity for residents of the nearby village of Melbourn to walk to the southern end of Meldreth via open countryside instead of following the road into the village.

20. The diversion route passes through a busy industrial estate that includes an MOT garage and poultry farm. It is self-evidently much less pleasant and would almost certainly see less use than the current route. In addition, it reduces the availability of opportunities for circular walks, which is especially important for pedestrians, including dog walkers and runners in an area between two settlements of considerable size. One of the most important aspects of the PROW Network is that it is maintained and protected in order to encourage public use which results in increased physical and mental well-being of users. The loss of the current route will certainly have a negative impact on this.
21. Research undertaken as part of the preparation of the County Council's Rights of Way Improvement Plan (ROWIP) showed that there is a significant demand for short circular routes situated off the road network for local use. At present, this path forms part of a short circular route which is popular with locals, but also for longer routes connecting to other nearby villages, especially Melbourn which is a large village located less than a mile away from this crossing. It provides an easy opportunity for a healthy activity which enhances the local communities' ability to engage in healthy lifestyle activities.
22. As set out in the evidence of Iain Green, it is important that such facilities are available, and this proposal is likely to result in a negative change in user behaviour. The reduction in enjoyment associated with the removal of the route away from the busy road will mean that some users who had previously been able to use this route may therefore stop undertaking such walks in the absence of a safer route away from the road. Thus the closure of this section of path would represent a substantial loss for local residents of Meldreth and Melbourn and be a negative legacy of this scheme.

## CONCLUSION

23. CCC therefore considers that the proposal for the alternative route is demonstrably neither suitable nor convenient to the purpose for which the path is currently used. It would clearly result in a substantial loss of enjoyment for users, placing them in a vulnerable position alongside a busy road and into the path of vehicle movements associated with the industrial estate. CCC therefore objects to the proposal and requests that it is refused.

Signed .....  .....

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