

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 PROOF OF EVIDENCE

PETER GASKIN

RIGHTS OF WAY OFFICER, AREA SOUTH

INTRODUCTION

1. I am employed by Cambridgeshire County Council (CCC) as a Public Rights of Way Officer. 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 of Public Rights of Way for the South Cambridgeshire area. Four of these public paths are the subject of Network Rail's (NR) Transport and Works Act Order (TWAO) Application to close the level crossings over which they run and to either extinguish or divert the paths in question.
2. For the period between 1998 and 2003 I was CCC's Public Rights of Way Officer for the Fenland and East Cambridgeshire areas. I left the team in 2003 on a secondment to Unison Cambridgeshire County Branch and whilst there completed a BA honours in Organisation of Work, Economics and Labour Law and an MA in Industrial Relations and Employment Law, but returned in 2010. I have been the Public Rights of Way Officer for South Cambridgeshire since 2010, an uninterrupted period of 7 years.

3. I undertook training from the Institute of Public Rights of Way Management in 1998 and I have a total of 13 years' experience as a Public Rights of Way Officer and a further 15 years' experience working for the Council in different capacities prior to that. In addition to this, I was a Town and District Councillor for March Town Council and Fenland District Council between 1995 and 1999. In total I have 34 years local government work experience.
4. One of my roles as the Public Rights of Way Officer is to inspect and comment on proposals to change the PRoW network. I am often contacted by the landowner wanting to make the change in the first instance. I will then undertake a site inspection with the Asset Information Definitive Map Officer and the landowner. Following the site inspection we will complete CCC's 'Authorisation Form' which details the nature of the current path and of the proposed path, this helps us to identify any potential issues that need to be addressed before the proposal proceeds any further. Any likely maintenance or access issues that are identified are discussed with the landowner/applicant so that appropriate works can be agreed.
5. Quite often, the route proposed is not adequate or convenient for users or maintenance purposes, and so we seek to agree an alternative. Where it is not possible to accommodate the landowner's proposal, the proposed diversion will proceed no further and the path remains where it is. If the proposal goes ahead, when the order is complete, I liaise with the landowner to ensure that the works are done to the highway authority's satisfaction. I will then certify that these works have been appropriately completed on the route, and the process is complete.
6. I have inspected the four railway crossings affected by NR's proposed TWAO in my area of responsibility. The four crossings concerned are:
 - C04 No name no. 20, Meldreth;
 - C07 No name no.37, Harston;
 - C33 Jack O'Tell, Waterbeach; and
 - C34 Fyson's, Waterbeach

7. To assist the PRow Officer in my adjacent area, I have also inspected:

- C29 Cassells, Brinkley/Little Wilbraham
- C30 Westley Bottom, Westley Waterless

8. With the exception of C30 Westley Bottom, they are contained within CCC's Statement of Case as crossing closures to which CCC objects on the grounds of:

- Amenity to users;
- User safety;
- Access issues for the Council; and
- Increased maintenance issues for the Council.

9. The current routes and crossings and the proposed alternative routes are indicated in the overview maps that CCC have produced which are contained in Appendix 1 to this proof.

GENERAL CONCERNS WITH NETWORK RAIL TWAO

10. NR make reference to the aims of the proposed TWAO, in their Statement of Case and elsewhere. These are:

- a. Improving the safety of level crossing users;*
- b. Creating a more efficient and reliable railway.....;*
- c. Reducing the ongoing operating and maintenance cost of the railway;*
- d. Reducing delays to trains, pedestrians, and other highway users;*
- e. Improve journey time reliability for railway, highway and other rights of way users.*

11. Camilla Rhodes in her evidence has addressed the aims in general. It is my submission that aims a, d, and are not achievable through the current strategy of crossing closures in the case of the particular individual crossings that I will cover in my Proof.
12. Due to the use of a TWAO, instead of the usual method for route closures or diversions under the Highways Act 1980 (HA), the Council has not been able to take its usual consultative approach with landowners. The HA approach allows the Council to agree maintenance issues with landowners in advance of an order being made.
13. I would also submit that in meetings with NR, there has been a seeming lack of compassion or understanding for the broader public user needs and the need for the Highway Authority to be able to maintain links for them. In particular they were unwilling to appreciate the point that people with different abilities would respond differently to the crossing closures. There was also a lack of empathy for elderly or disabled people for whom the closure of even a small part of the PROW Network could result in a severe diminishment of amenity. This attitude also appears to have been borne out in the way that NR conducted its scoping Diversity Impact Assessment, to which CCC's witness Iain Green speaks.
14. CCC Officers were invited at a week's notice to accompany NR bridge engineers on their site visits for the TWAO route in September and October 2017. The site inspections carried out by NR showed a lack of planning. NR engineers turned up late and without plans. They had to rely on my own copy of NR plans in order to find their way on the routes.
15. Despite there being 18 months of consultation, no detailed designs have been put forward; i.e. we still do not know what is going to be provided at locations. Further, despite repeated requests for joint site visits at the NR-CCC 'workshops' during this time, these were never arranged. CCC has also requested copies of NR's contractor Mott MacDonald's original site surveys on a number of occasions, and to date they have not been provided. This makes it very difficult for Council Officers to comment on the alternative routes.

16. This suggests that this has predominantly been a desktop exercise for NR. In my experience this is a totally inadequate methodology, especially taking into account the impact that is proposed to the PRow network, its users and local communities.

SITE SPECIFIC CONCERNS

C04 No name no. 20, Meldreth Footpath No.10

17. The Definitive Statement for Meldreth Footpath No. 10 reads as follows: FP10 starts at Melbourn Road at a gap near the farm; then it proceeds along a 10 feet wide farm roadway at the edge of the field to the railway crossing gate. From there it continues over the railway beyond another gate and along the edge of an arable field to an old railway line. It then proceeds between the railway lines and an orchard to its exit at footbridges at the Chiswick End Road. At this point the footpath is 3 feet wide.

Safety Concerns

18. As I mentioned in my General Concerns, NR state that their plans will improve the safety of level crossing users. However, this is clearly not the case on this specific route as the proposals divert level crossing users from C04, a crossing where there is no history of accident or injury, to an awkward route around the entrance to a busy industrial estate which will put pedestrians in the path of traffic including heavy goods vehicles.
19. There is also a significant issue with crossing points along the proposed route from road traffic where the path would run alongside the industrial estate towards Station Road. The western side of Station Road, which the proposed route would join up to is used by various businesses which use large vehicles to move produce from the rear of the buildings to Station Road.
20. This creates three areas where pedestrians will be put directly into harm's way with road traffic, where currently there is none. These locations are shown by points A, B and C on Appendix 2.
21. In addition, there is a reported issue with the potential for a biohazard with the poultry farm near to Station Road. The farmer (Michael Burlton), on whose behalf the NFU are making a submission to this Inquiry, has concerns over the impact of pedestrians walking

in close proximity to his poultry unit and the potential biohazard risk that this poses for his livestock.

C07 No name no.37, Harston FP4

22. The Definitive Statement for Harston Footpath No. 4 reads as follows: FP4 starts at the High Street opposite the Baptist Chapel at Iron Fieldgate. It proceeds between the trees along a grass lane 20 feet wide and crosses the railway at a field crossing gate. It then continues as a grass path of 3 feet wide along the eastern side of the arable field to a gap in the hedge. It then bears left along the edge of another arable field to its exit at a gap in the hedge and into the Newton Road, opposite to the road leading to Little Shelford.

Accessibility

23. The proposals put forward by NR would include the erection of steps. In my view, this creates an accessibility issue, especially for disabled or elderly users and those with prams. Therefore, if the proposal has to go forward, CCC would prefer ramps to be installed instead to minimise the impact this would have on less able users.

24. In addition, the recent introduction of kissing gates at the crossing by NR is not acceptable to CCC as the Local Highway Authority. Previously, there were white hand gates, which can be seen in NR's September consultation document at my Appendix 3 and on our Asset Register last inspected on 23 May 2012 at my Appendix 4. CCC was not consulted on this change. Kissing gates introduce accessibility issues, especially for disabled or elderly users. The previous hand gates were more accessible.

Loss of Amenity

25. That part of the footpath that NR are proposing to close is a pleasant and well used walking route. In my opinion, it is the most pleasant part of the route.

26. Flocks of skylarks and partridges often gather on that part of the route as it is peaceful and secluded. It is these amenities that attract users to it as a route. Although the proposal is presented as a diversion, in reality it is an extinguishment as it does not perform the same function at all. Loss of the route would diminish this amenity for local users greatly.

Convenience

27. The proposed route is a third longer than the current route, depending on the route being walked. This is an inconvenience to users for whom the route is part of a circular walking or jogging route. Again, this is something that will disproportionately affect people who have reduced mobility, especially the elderly or the disabled.

C29 Cassells

28. The current route from Brinkley Road follows the footpath north towards crossing C29 where it crosses the level crossing, it then turns north-east and runs parallel with the railway line.

29. The proposed diversion will create a new 2 metre wide footpath on NR land running from the termination point of Little Wilbraham Footpath No. 11 where it meets Brinkley Road and runs in a north-westerly direction parallel with the Brinkley Road on its southern side. The proposed route would then cross the road after the railway line and re-join the current route running north-east.

30. One of the main issues with this crossing is with inadequate infrastructure having been provided by NR. The gate at the southern side of the crossing does not sit properly on its hinges and therefore swings open on its own when not locked in place.

31. I am concerned that NR's proposals create the potential for two new road crossing points on Brinkley Road for users. The First of these crossing points is situated to the north-west of the railway line and the second is situated just to the north after the car park where users need to cross back onto the western side of Brinkley Road.

32. Earlier NR plans showed just one crossing of Brinkley Road just after the car park. This has been changed in order to make the route shorter for users travelling along the footpath parallel to the railway line. However, the introduction of an additional crossing point makes the proposal substantially less safe for users.

33. NR have provided insufficient design details for CCC to be able to approve their proposals.

C33 Jack O'Tell

34. Closure of the private crossing C33 Jack O'Tell severs the landowner's link to their yard and means that agricultural traffic would have to use the highway network, which would result in a long diversion. The Order plans do not show the alternative routes. CCC considers that there would be a significant adverse impact on the local highway and PROW network, resulting in an increased potential liability for CCC as the HA. The highways concerned are small fen roads, and are in a poor condition due to the nature of the subsoil and existing traffic. Therefore additional heavy agricultural machinery will exacerbate the problem and CCC's liability.
35. Existing farm traffic is known to travel along Long Drove carriageway, causing some hazard to users and damage to the edge of the road. Increasing the volume of private farm traffic onto this road is likely to increase the number of claims against the HA, again increasing the burden on CCC. Carriageway patching would be required to bring it up to a suitable standard, and four passing places would need to be created to take additional passing traffic.
36. Part of this alternative route for farm traffic would be over Footpath No.17 Waterbeach, causing damage to the route which again increases HA liability. Sharing the route with agricultural traffic would also diminish enjoyment for pedestrians using the path.

C34 Fysons

37. The issues are largely the same as for C33 Jack O'Tell, except that no public footpaths would be affected. CCC therefore objects to this proposal on grounds that the alternative routes are unsatisfactory and have a disproportionately negative impact on the highway network and CCC's maintenance liability. CCC requests that NR agrees mitigation measures with CCC to enable CCC to remove its objection.

Signed 

Dated 31 October 2017