

Written Proof of Evidence to the Public Inquiry

Submitted by the Cambridgeshire Local Access Forum

Objector Reference OBJ/052

Roger Buisson, Vice-Chairman of the Cambridgeshire Local Access Forum will appear and give evidence at the inquiry, representing the Cambridgeshire Local Access Forum.

This Proof of Evidence is provided in full, there is no summary document.

The Cambridgeshire Local Access Forum

1. Local Access Forums were created under provisions in Section 94 of the Countryside and Rights of Way Act 2000. A Local Access Forum can be created for each Local Highway Authority area (County or Unitary Authority) and each National Park Authority area.
2. The purpose of a Local Access Forum, as stated in section 94 of that Act, is to advise other statutory bodies on the improvement of public access to land for the purposes of open-air recreation and enjoyment. This purpose was extended by Regulation 22 of the Local Access Forums (England) Regulations 2007 to cover issues relating to functional or utility access by non-motorised users, that is, to travel to work or school etc. and not just for recreation and enjoyment.
3. The members of the Cambridgeshire Local Access Forum (Cambs LAF) are appointed by Cambridgeshire County Council (CCC) and it is required, by Regulation 3 of the Local Access Forums (England) Regulations 2007, to maintain a reasonable balance of interest between users of local rights of way and owners and occupiers of access land or land over which local rights of way exist. Cambs LAF members are appointed by CCC to represent various interest areas, but do not represent specific bodies. The current Cambs LAF membership, and their specialist interests, is listed on the CCC website:
<https://www.cambridgeshire.gov.uk/residents/libraries-leisure-&-culture/arts-green-spaces-&-activities/local-access-forum/>
4. Cambs LAF will be represented at this inquiry by Roger Buisson. He was appointed to Cambs LAF in 2002 and appointed Vice Chairman in 2009. He represented Cambs LAF in 2015 at the Hearing in to the application by Highways England for a Development Consent Order for the A14 Cambridge to Huntingdon Improvement Scheme.

Aim of Cambs LAF in making representations to this Inquiry and key issues to be raised

5. The aim of the Cambs LAF is to ensure that there is no overall reduction in the ability for non-motorised users¹ to access the countryside for recreation, health and well-being and to undertake utility journeys that might result from the loss of public rights of way which currently pass over the level crossings proposed for closure by Network Rail. The Cambs LAF seeks that any alternatives brought forward by Network Rail where closures are proposed provide convenient and suitable access for non-motorised users.
6. In this representation Cambs LAF concentrates on strategic issues. Its existing objection that includes matters relating to individual level crossings closures stands as submitted (recognising that since its submission and during this inquiry, Network Rail may change its proposals) and individual closures will not be addressed in this representation or in oral evidence.
7. In view of the aim of Cambs LAF stated above, the following key issues of concern are identified:
 - The loss of off-road routes and their replacement with on-road diversions;
 - A substantial increase in the length of routes as a result of the closures and the proposed alternatives;
 - The presence of physical obstacles that reduce the suitability of routes for access to all users; and
 - The maintenance and financial burden being placed upon Cambridgeshire County Council

Local Transport Policy

8. The Rights of Way Improvement Plan (ROWIP) for Cambridgeshire forms part of the Cambridgeshire Local Transport Plan and is a Statement of Action which sets out how CCC will manage and improve the local rights of way network to enable its use by people of all ages and abilities. The current plan is the updated version of 2016. This can be accessed from the CCC website:
https://ccc-live.storage.googleapis.com/upload/www.cambridgeshire.gov.uk/residents/travel-roads-and-parking/Cambridgeshire_ROWIP_update_April_2016%20%281%29.pdf?inline=true
9. Cambs LAF regards the ROWIP as providing the backbone of its advice on access issues to the relevant statutory bodies that operate within Cambridgeshire. Examples include advice it has given in relation to major infrastructure and housing developments in the County. Cambs LAF members made a significant input to the development of the

¹ Non-motorised users are walkers (including those with prams and buggies), those of limited mobility using wheelchairs and other mobility devices, cyclists and equestrians.

original ROWIP of 2006 and the updated version of 2016, providing input during consultation on their formative and detailed stages.

10. It is the considered opinion of Cambs LAF, based on the evidence available to date on the proposed crossing closures, that a number of the proposals by Network Rail are likely to constitute retrograde steps that are in contradiction to the aims and policies of the ROWIP. This is of particular concern in more rural fenland areas where rights of way provide access to the countryside for outdoor recreation, health and well-being that is free at the point of use. Those routes along public rights of way are a very important local resource in assisting maintenance and improvements in physical and mental health.

The need for alternatives to provide convenient and suitable access for non-motorised users

11. The Cambs LAF notes that Annex 2 of the Department of Transport publication of June 2006 titled *A TWA Guide to Procedures*² that provides a commentary on Schedule 1 to the Transport & Works Act 1992, has under a sub-heading of 'Paragraph 5' a statement in relation to alternatives that are to be proposed where a right of way is to be stopped up. This statement is that *"If an alternative is to be provided, the Secretary of State would wish to be satisfied that it will be a convenient and suitable replacement for existing users."*
12. It is the considered opinion of Cambs LAF that those two tests of 'convenient' and 'suitable' are critical matters to be considered by the inquiry and of the proposals brought forward by Network Rail.
13. It is the considered opinion of Cambs LAF that Network Rail must show how the alternative routes that are proposed are:
- Reasonably convenient and at least as enjoyable for users;
 - Maintain or encourage the good health habits associated with outdoor activities;
 - Are suitable in that they do not include barriers to use such as steep inclines; and
 - Are suitable in that they do not put users more at risk than on existing routes for instance by increasing the length of access on-road.

² This publication has the supplementary title: *Guidance on the procedures for obtaining orders under the Transport and Works Act 1992, relating to transport systems, inland waterways and works interfering with rights of navigation.*

14. It is the considered opinion of Cambs LAF that those two tests of 'convenient' and 'suitable' have not been met by Network Rail for a number of the proposed level crossing closures. This includes as a result of:

- A net increase in safety risk that arises from the diversion of routes onto roads;
- Alternatives that increase the length of the journey which will make access more difficult and/or a less attractive proposition for many people; and
- An increase in the number of bridges, new flights of steps and diversions through culverts with a potential flood risk that will produce severe access problems for a range of users.

15. Cambs LAF supports the analysis and identification of numerous deficiencies in the alternatives proposed by Network Rail that have been presented in the Statement of Case that is submitted by CCC.

16. Cambs LAF notes that the normal procedure for rights of way diversions would be for CCC to engage with landowners and visit the proposed new routes to look at their suitability and convenience for users. However, because Network Rail's application for an order has been made under the Transport and Works Act (TWA), the ability of CCC to engage with landowners has been limited.

Natural justice over the burden of costs

17. Cambs LAF observes that as Network Rail are promoting the closure of the crossing for reasons that include their own financial benefit then it should be reasonably expected that the burden of costs should fall on them, and not in relation to the rights of way network, to partly fall on CCC. The burden of costs on CCC includes:

- The work required by CCC officers to prepare for and participate in this inquiry;
- The additional administrative costs related to the alternatives proposed (if consented by the Secretary of State); and
- The additional on-the-ground maintenance costs and potential future capital replacement costs related to the alternatives proposed (if consented by the Secretary of State);

18. The Cambs LAF is concerned that such additional financial burdens, will in these times of very constrained and reducing budgets, result in a reduction in the scale of actions identified in the ROWIP.

19. With respect to the alternatives, should they be consented by the Secretary of State, the Cambs LAF is concerned that the lack of resources for their maintenance could result in surfaces, structures and signage that will limit route accessibility, safe passage and enjoyment by potential users.

Summary

20. The Cambs LAF would wish to emphasise its concerns that:

- A number of the crossing closures result in proposals for alternative routes that will result in journeys that will no longer be convenient or pleasant, suitable or safe for all current users.
- A financial burden placed upon Cambridgeshire County Council that is likely to either result in cutbacks elsewhere in the rights of way network or a lack of adequate maintenance of the proposed alternatives (if consented by the Secretary of State).

21. Overall this will have a negative impact on public health and well-being.