

Agenda Item No: 7

**ANGLIA LEVEL CROSSING REDUCTION STRATEGY – CAMBRIDGESHIRE
COUNTY COUNCIL FORMAL RESPONSE**

To: Highways and Community Infrastructure Committee

Meeting Date: 7th December 2016

From: Camilla Rhodes, Assets Manager - Information

Electoral division(s): Bottisham, Burwell, Ely East, Ely North, Ely South, Ely West, Fordham Villages, Forty Foot, Harston, Littleport, March East, March North, March West, Meldreth/Foxton, Soham East, Soham North, Stretham, Sutton, Waterbeach, Whittlesey South

Forward Plan ref: N/a **Key decision:** No

Purpose: To seek approval of the County Council's formal response to Network Rail's level crossing proposals as part of its Anglia Level Crossing Reduction Strategy

Recommendation: The Committee is asked to:

- a) Approve the County Council's draft response to Network Rail's proposals including the main points as detailed in sections 2.2-2.4, and in accordance with the recommendations set out in Appendix 4;
- b) Approve the notification to the Secretary of State for Transport, when consulted, that the County Council intends to object to as many of the proposals as are unresolved by the time the Transport & Works Act Order application is made.

Officer contact:

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1. BACKGROUND

- 1.1 Network Rail (NR) has initiated a major project to close or downgrade a number of public rights of way (PROW) and road level crossings. NR's stated objectives include improving the safety of crossing users and reducing NR's asset liability (see **Appendix 1** for more detail). Implementation of the proposals would be through an Order under the Transport & Works Act 1992 (a 'TWAO'), granted by the Secretary of State.
- 1.2 In Cambridgeshire, crossings on the King's Lynn, Bury St Edmunds and King's Cross lines are affected. Many crossings are also affected in Suffolk, Essex and Hertfordshire. The proposals can be seen on the project website at <http://www.networkrail.co.uk/anglialevelcrossings/>, where there is also a summary sheet. There has been much interest in the proposals, and a public inquiry is likely. Further information on the project, the timescale and a link to an online map of the local public rights of way network can be found at Appendix 1.
- 1.3 Two rounds of public consultation have been undertaken (June and September 2016). In its initial response to the first consultation, the County Council set out its in-principle position. This can be seen at **Appendix 2**. The results of these and possible solutions have been discussed with officers, Public Health, Councillors and District Council planning representatives through a series of workshops and meetings.
- 1.4 In discussions with NR, the County Council has also set out its policy basis, which is the Rights of Way Improvement Plan (revised 2016) and the Cambridgeshire Health & Well-Being Strategy 2012-17. Both documents support access to a rights of way network that links communities, for the physical and mental well-being of residents. The documents are available on the website at http://www.cambridgeshire.gov.uk/info/20006/travel_roads_and_parking/66/transport_plans_and_policies and http://www.cambridgeshire.gov.uk/info/20004/health_and_keeping_well/548/cambridgeshire_health_and_wellbeing_board.
- 1.5 Economy & Environment and Highways and Community Infrastructure Spokes were consulted on the County Council's proposed position on each crossing on 1st November 2016.

2. MAIN ISSUES

- 2.1 There are a number of general issues that have arisen through the project which it is proposed to raise with NR in the County Council's formal response. These issues are summarised at paragraphs 2.2 - 2.4.
- 2.2 The County Council is supportive in general of improving transport across the region. However, it is concerned that NR is not working truly in partnership, and is pursuing its own agenda of reducing its asset liability without due regard to the impact on the highway network, the rights of users, the safety of users on alternative routes proposed, local communities, and the cost to the County Council of taking on additional asset liability.
- 2.3 The County Council welcomes engagement with NR as a statutory consultee on the scheme. However, it recognises that, by seeking the changes to the highway network

through a TWAO, NR have been able to avoid paying fees to the Council that would be associated with usual applications under the Highways Act. Officers have already spent over 400 hours on the scheme, amounting to over £25,000 of officer time. The County Council already has an agreement with the Department for Transport to fund officer time spent working with Highways England on the delivery of the A14 road scheme, and would request a similar agreement for the delivery of NR's TWAO.

- 2.4 The County Council considers that the Diversity Impact Assessment Scoping Report (DIA) provided by NR is fundamentally flawed in a number of ways in respect of its duties under the Equalities Act 2010. In particular, the DIA does not adequately assess the impact of the closures and the alternative routes on users, communities, and vulnerable groups. Full DIAs need to be carried out where appropriate (see **Appendix 3** for a copy of CCC's response to the DIA).

- 2.5 Table 1 below is a summary of the County Council's current proposed position.

| CCC Position (as at 10.10.2016) | Number of Crossings |
|--|----------------------------|
| No objection | 12 |
| Holding objection (including one crossing in Newmarket, Suffolk) | 10 |
| Objection | 11 |
| TOTAL crossings | 33 |

- 2.6 **Appendix 4** lists each crossing, the affected right of way, the County Council's proposed position, and any proviso. **Appendix 5** provides details of the reasons for the proposed position and the accident statistics for the alternative route, where they exist.
- 2.7 The key reasons for the County Council objecting to some of the proposals include: lack of a safe alternative route; diminution of the connectivity of the ROW network; diminution of enjoyment or access to green space for physical and mental well-being; unreasonable increase in liability for the Highway Authority; and significant impact on promoted routes. The concerns are detailed at Appendix 5.
- 2.8 It is proposed to make holding objections in circumstances where results of consultation on revised proposals are awaited, the outcomes of critical Environmental Impact Assessments are not known or negotiations with NR are ongoing. The issues are detailed at Appendix 5.
- 2.9 There are some instances where it is proposed that the County Council is neither for nor against the proposal, but there is a range of public opinions and so it is proposed to leave the matter to the Inspector to decide. It is therefore proposed that the Authority does not object to these proposals.
- 2.10 Officers will continue to work with NR on the resolution of as many of the holding objections as possible. Any additional solutions agreed will be presented to the December HCI Committee meeting for consideration.
- 2.11 It is likely that the Secretary of State will ask the County Council whether it will be objecting to any of the proposals, as a precursor to deciding whether a Public Inquiry will be required. At the E&E and HCI Spokes meetings on 1st November it was agreed to respond that the County Council intends to object to as many of the proposals as are unresolved by the time

the TWAO application is made. The Committee is asked to approve this position.

3. ALIGNMENT WITH CORPORATE PRIORITIES

3.1 Developing the local economy for the benefit of all

There are no overall significant implications for this priority. However, some individual crossing proposals could have significant implications in those areas. For example, if the C06 Barrington Road, Foxton crossing were to be closed, it would directly impact upon the Council's City Cycle Ambition project to develop a safe cycle route between Cambridge and Royston. It would also impact on employers' transport plans, notably the Cambridge Medipark and Melbourn Science Park, and on the successful delivery of new housing development at Barrington quarry.

In the Ely area, it is proposed to close five footpath crossings. Three of these (C08, C09 and C24 at Appendix 5) give direct access to the countryside and river to the north-east of the city, and were cited during the planning process for the major of Ely North development as being important facilities for the health and well-being of the new community.

The paths along the River Ouse at Ely are popular promoted routes called the Fen Rivers Way and the Ouse Valley Way, which support the local economy through tourism. Closure of crossings C21 and C22 will affect this if it is not possible to agree suitable mitigation for flood events on the alternative routes.

3.2 Helping people live healthy and independent lives

There are no overall significant implications for this priority. However, some individual crossing proposals could have significant implications in those areas, as detailed at 3.1 above. In addition, at Soham, new housing is planned in the area near the proposed closure of footpaths crossings C19 and C20 (see Appendix 5). There are also a number of routes used by local heart watch walking groups, such as C25 Clayway, FP11 Littleport. Closure of these routes could limit the scope for people to live healthily and independently. Solutions must recognise the importance of these paths in engendering the physical and mental well-being of the local community through access to the wider network and areas of common land.

3.3 Supporting and protecting vulnerable people

There are no overall significant implications for this priority. However, some individual crossing proposals could have significant implications in those areas. The County Council has made a detailed response to NR's DIA concerning this, as noted at 2.4 above.

4. SIGNIFICANT IMPLICATIONS

- **Resource Implications:** There are no significant implications within this category. Section 2.5 above and sections 1.2 – 1.3 of Appendix 1 set out the cost to the Authority resulting from NR's decision to use a blanket TWAO instead of individual Highways Act applications.
- **Statutory, Legal and Risk:** There are no significant implications within this category. However, as a whole the TWAO will have a significant effect, as it will permanently alter the local highway network. This will also affect the Authority's maintenance liability, and risk to users of the network, as highlighted at sections 2.4, 2.6, 2.7 and section 3 above.

- Equality and Diversity: There are no significant implications within this category. However, the points at 3.1-3.3 above should be noted.
- Engagement and Communications: There are no significant implications in this category.
- Localism and Local Member Involvement: There are no significant implications within this category. However, there are some implications on specific proposals which are noted in Appendix 5, but these have been mitigated through engagement with members and local communities as set out at 1.3 above.
- Public Health: There are no significant implications within this category. However, the points at 3.1-3.3 above should be noted.

| Implications | Officer Clearance |
|---|--|
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| Have the resource implications been cleared by Finance? | Yes Name of Financial Officer: Sarah Heywood |
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| Has the impact on Statutory, Legal and Risk implications been cleared by LGSS Law? | Yes Name of Legal Officer: Fiona McMillan Head of Districts and Planning LGSS Law Limited |
| | |
| Are there any Equality and Diversity implications? | Yes (No implications) Name of Officer: Tamar Oviatt-Ham |
| | |
| Have any engagement and communication implications been cleared by Communications? | Yes Name of Officer: Jane Cantwell |
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| Are there any Localism and Local Member involvement issues? | Yes (No issues) Name of Officer: Paul Tadd |
| | |
| Have any Public Health implications been cleared by Public Health | Yes Name of Officer: Iain Green |

| Source Documents | Location |
|---|---|
| Network Rail proposals including maps Cambridgeshire Rights of Way & Improvement Plan Cambridgeshire Health & Well Being Strategy | http://www.networkrail.co.uk/anglialevelcrossings/ http://www.cambridgeshire.gov.uk/info/20006/travel_roads_and_parking/66/transport_plans_and_policies http://www.cambridgeshire.gov.uk/info/20004/health_and_keeping_well/548/cambridgeshire_health_and_wellbeing_board |