

Medworth ISH4_17 May_PT2

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FULL TRANSCRIPT (with timecode)

00:00:05:15 - 00:00:07:10

Hello, Mr. Pinter. We can hear you.

00:00:07:19 - 00:00:18:02

Well, thank you very much for that confirmation. Cannot just check that everyone else can actually hear me. Okay. As well, please.

00:00:19:19 - 00:00:21:02

Before we zoom to hearing.

00:00:21:09 - 00:00:22:21

Yes, we can hear you, sir.

00:00:23:04 - 00:00:46:16

Thank you very much. So it's not 12:00 and I will resume the hearing now. So before we broke off for a quick break, we were about to hear from, um, Cambridgeshire County Council and Mrs. Rhodes in relation to public rights of way. So if you would like to then make your submission, please.

00:00:49:05 - 00:00:50:17

Hello? Can you hear me okay?

00:00:50:26 - 00:00:53:02

I can hear you perfectly now. Thank you very much.

00:00:53:12 - 00:00:57:11

Lovely. Okay. Yes. Camilla Rhodes for Cambridgeshire County Council.

00:01:00:23 - 00:01:18:01

Okay. So our concerns in relation to rights away, if I could just explain that when we talk about public rights of way, we also talk about enemas because of the overlap between the two enemas. Use public rights of way.

00:01:18:03 - 00:01:21:07

Can you please specify enemas? Non-motorised. Sorry.

00:01:21:09 - 00:01:23:25

Sorry. Sorry. Non-motorized Users.

00:01:25:20 - 00:02:27:27

Because although they can be referred to as a category using roads and they they use rights of way and very often the way non-motorized users use use the network is they don't necessarily distinguish between public rights of way and the local road network. They need the local roads, the connectivity

to the rights way network. So we tend to view it as a whole in our analysis. So for that reason as well, we have assessed impact on NMS along new Bridge Lane because of the fact that it is effectively quite a quiet route at the moment in an area there very few or no other rights of way and because of the the bollards at the crossing over the level old road, old level crossing, it means that effectively it's been a good route for an amused to use during the last 40 years to do.

00:02:27:29 - 00:02:28:14

This.

00:02:28:16 - 00:03:10:00

Non-motorized users. Yes. So just wanted to put that context to start with that. I do refer to both and that wider um, context of local road connectivity with rights of way and specifically addressing the matter of rights of way directly affected by the scheme. We're largely in agreement with the applicant that the way that that rights of way the two byways which are half penny lane severed by the a47 will be managed, is being agreed through the TMP and we're confident that we'll be content with the way they are going to be managed.

00:03:10:17 - 00:03:19:17

Um, there's just an issue with some terminology is incorrect at 7.2.5 that I'm sure we can address with them. Um,

00:03:21:03 - 00:04:05:13

but so, so that's. We're happy with regard to think the temporary management of rights wear during construction. As far as those two rights very specifically go in relation to where we're not content, um, again, with, with relation to Newbridge Lane and amuse Non-motorised users, we're content that in principle and amuse access will be maintained for them during construction, but we need clarification that that will include access over the level crossing because otherwise access will be turned into a cul de sac and animas will lose the through connectivity.

00:04:05:15 - 00:04:38:12

And that is particularly important for probably residents around new drove, which is to the east of this area at this route forms a quite a safe relatively safe off road route um from that community around the down the south side of Wisbech through to Cromwell Road which is important when considering um active travel and the supporting leisure and health giving opportunities for local communities.

00:04:38:14 - 00:05:28:05

One needs to bear in mind that Wisbech has particularly poor health outcomes. So this is a particular concern to us. Um. So we would like the status of the disused level crossing to be addressed. We understand and we know that the rights highway rights were removed in 1981. However, notwithstanding that, the public have had access over the last 40 years, and so all we're seeking is for there to be an agreement with with Network Rail, which we would like the applicant to help negotiate, that there will be access retained during construction and that the access will be clarified to be permissive so that the public are clear.

00:05:28:07 - 00:05:40:07

Because at the moment if there's a sign going to be maintained that says no public access, that's quite intimidating. It doesn't mean doesn't. It doesn't clarify the actual situation that has been in place.

00:05:42:06 - 00:06:24:20

So that's a point of mitigation we would like. And then we do have issues in relate to the wider landscape and visual impact south of the A47. And I'm I'm happy to pick that up tomorrow through that issue specific item on tomorrow's agenda, if you wish. But I do want to flag up now that we we don't agree with the applicant's assessment and we have requested that the that the the two impacts so

along Newbridge Lane and on museum in the long term which I haven't really explained so I should do.

00:06:24:27 - 00:06:25:12

Um.

00:06:26:21 - 00:06:44:07

And to the south of the A47. Needs to be mitigated. Basically, the applicant can't ever probably satisfactorily mitigate with actual works. So screening or the such like because of the nature of them. Therefore we see.

00:06:44:09 - 00:06:45:03

Conditional if.

00:06:45:05 - 00:07:19:22

Mrs.. Rhodes In terms in terms of visual and landscape impacts, as you have highlighted, I think it might be more appropriate for us to actually pick up on that specific issue hearing, which as we have highlighted before, is agenda for this week as well as a specific item. So I would ask you to please hold your comments for that, if I may, but obviously would like to pick up on the points that you have made in terms of public access to the disused rail crossing, which I think are pertinent to this specific item.

00:07:19:24 - 00:07:26:21

So can I actually ask the applicant to please respond to these points made by Mrs. Rhodes? Please?

00:07:29:03 - 00:07:59:24

A clever check for the applicant. And as was mentioned, the highway and or vehicular access across the disused railway is prevented via the presence of a bollard. And there are currently signs that have been erected by network rail to state that there is no public right of way across their land at the moment. So that's the existing situation.

00:08:00:08 - 00:08:33:13

The applicant is in discussions with network Rail in relation to the provision of rights, of access for itself and also for users, the owners and occupiers of number ten, Newbridge Lane. To ensure that access can be access rights can be adequately granted to them and also for the use of the facility. I believe what is being asked for by Cambridgeshire County Council is an improvement on the current situation.

00:08:33:15 - 00:09:14:22

So that network rail grant permissive rights rather than the current situation which is there asserting that there are no rights being granted to the public. Notwithstanding that in in practice people are obviously crossing that route. The applicant is in negotiations with Network Rail and it will obviously seek to put forward Cambridgeshire County Council's requests, but it's obviously within Network Rail's control as to whether it wishes to change the current status of any rights of access for the public across across their land.

00:09:15:05 - 00:09:19:28

And we will need to seek their views on that point.

00:09:20:25 - 00:09:57:18

Thank you for that. Mr. Broderick cannot just clarify, you mentioned on your answer that you are in the process of negotiating such rights for ten Newbridge line, which obviously considering the location of the property, it does make sense in terms of access via that specific point. Can I just

clarify, is there a specific reason why those rights of access and rites of passage are only going to only be negotiated by number ten Newbridge line and not for Non-motorised users, as it was just asked now?

00:10:00:12 - 00:10:58:17

Clare project for the applicant. The reason that number ten Newbridge Lane is being included is because the existing access arrangements for number ten Newbridge Lane, which currently use new drove, are being altered as a result of the proposed development. Whereas the position for Non-motorised users can continue to be the same as it currently is, which is that there is no formal public right of access to use to cross over the disused railway. So it's as a result of the change to the access arrangements for number ten Newbridge Lane, whereas there is no change to the ability for Non-motorised users to access, we are simply seeking to maintain the current position, whereas Cambridgeshire County Council's preference would be for the rights of Non-motorised users to be improved, such that there is a formal permissive right to cross network rail land which currently doesn't exist.

00:10:58:29 - 00:11:24:22

So as we have heard now in previous submission that there has been in practice a use and a crossing that has been used by people in practice, despite the sign that has been mentioned and agreed that it does exist by both parties. But in that case, the access that is being proposed for ten Newbridge Lane and.

00:11:27:14 - 00:11:52:00

Why can't that access be expanded to other people? Is it because it goes through the a pro, it's going to be in a different location and it's going to be part of the specific part of private property from ten Newbridge line. I'm I'm struggling to actually understand without seeing the detailed location of the proposed access, what the difference is going to be. So if you could clarify that, please.

00:11:54:17 - 00:12:09:03

Okay. Claire, project for the applicant. We're just going to find the correct drawing that we can refer you to, which might be helpful in explaining the differences between the treatment of the two of the two situations. Bear with us one moment.

00:12:09:20 - 00:12:24:06

For the sake of time keeping, I noticed that Mr. Andrew Fraser has raised his hand. So can I just ask you to intervene now while we give some time for the applicant to find that information?

00:12:24:17 - 00:12:25:11

So, yes.

00:12:28:14 - 00:13:06:15

Maybe. Can you hear me still? Yes. Sorry. Thank you. Yeah, maybe pertinent, actually, to their their considerations. Just for me to make these two quick points and may bring Mrs. Rhodes in. The first is that ten Newbridge Lane is not the only landowner whose interest and ability to access their land is affected by this potential change. With my Fenland District Council hat on, I know that we are landowners and some of the fields down there which would become, as it were, landlocked without this putative agreement with network rail being reached, that's 0.1.

00:13:06:23 - 00:13:39:05

0.2 is that we're still at this stage talking about negotiations with Network Rail, who think it's fair to observe, are fairly notorious for not being the speediest of responders in negotiations. And one has to consider the possibility and think the applicants need to just think a little bit about this, that if they

can't reach agreement with with Network Rail in an appropriate time frame, that number ten Newbridge Lane may become, as it were, landlocked without without a legally clear access.

00:13:39:24 - 00:14:00:09

Um, so those are the first two points. And then the third point which might just ask Mrs. Rhodes to comment on in just a moment, is that at the moment the assertion by network rail of its ownership of that land and the and it's non permission for

00:14:02:16 - 00:14:33:26

non-motorised users to cross that tiny strip of land is is extremely low key. It's think a single sign buried away in the hedgerow. And it is likely that as a result of this development, the assertion of rights by network rail will be much more apparent and therefore much more likely actually to deter users. Um, and that is again a matter which think it is pertinent for the examining authority to have regard to. I don't know whether Mrs. Rhodes wants to say any more on that point.

00:14:34:06 - 00:14:36:10

She nods, So I'll pass to her, if I may.

00:14:37:19 - 00:14:39:09

Yes, please, Mrs. Rhodes.

00:14:43:21 - 00:15:10:07

Thank you for commission. County Council. Yes, indeed. And. One of our key concerns is that the development along Newbridge Lane and as a result of this, this development will significantly impact the experience of Mews and so on. The one point we we seek what is really a very, very minor

00:15:11:27 - 00:15:47:23

improvement, which is simply really clarifying access that does, does has been existing um, by permission of the landowner anyway for the last 40 years. So really from network Rail's point of view, it's no different. We it would be assisting them to actually put in place a formal permissive path agreement because that would better protect them against potential rights of, of a of a definitive permanent right of access being created. And you know, we we know well, we understand they would not want that to happen given the long term interest of the line.

00:15:48:04 - 00:16:19:18

But there is absolutely no reason, in our view why a permissive agreement couldn't be agreed with appropriate terms in place that then clarify that use for the public and encourage and support the wider public health and um aims for local communities. And if there were to be a recorded permissive access that would be recorded on the Council's County Council's website, we've got a layer of rights of way there. It would the public could then check what the status was.

00:16:19:20 - 00:16:32:01

They would know it was only permissive and they could be reassured what the nature of the access was and that they could get through to plan their journeys or do whatever it was they wanted. So thank you.

00:16:32:09 - 00:16:50:27

Yeah, thank you very much for that. I think that that's clear. But again, just ask, has the council had any conversations? Actually, despite this specific application with Network Rail in order to try and secure this access? Right.

00:16:51:24 - 00:16:57:15

No, we haven't as yet. Okay. Something we have raised before. Happy to be involved in those conversations.

00:16:57:24 - 00:17:24:23

Thank you. If I could actually turn over to the applicant and to respond to the issue. And if I could also ask the applicant to please cover the intervention that Mr. Andrew Fraser has made previously with his Finland hat on, particularly in terms of number ten not being the only land owner affected by the change and other properties being affected as well. But proposal.

00:17:28:07 - 00:18:08:28

A Clare project for the applicant? Yes, In respect of that first point in relation to ten Newbridge Lane not being the only user. Yes, the applicant notes that Fenland District Council is the owner of land to the south of New Bridge Lane that lies between the disused railway area of land and the new proposed access to the facility. And as part of the discussions that the applicant is having with Network Rail writes for the Fenland District Council, as owner of those lands are also also as part forming part of that discussion.

00:18:09:08 - 00:18:27:29

I'd mentioned ten Newbridge Lane as an example. So yes, that that point is being covered as part of our discussions with Network Rail. We obviously can't comment on what position Network Rail would be taking in respect of the current use of

00:18:29:16 - 00:18:55:09

access by Non-motorised users across the disused railway and the extent to which they think their current signage is sufficient or not. However, the applicant will raise the possibility of a permissive rights agreement with Network Rail and the applicant will report back to Cambridgeshire County Council on what Network Rail's position is on that particular point.

00:18:56:23 - 00:19:28:28

Thank you for that. Um, it seems to me that probably what we're looking at is some further conversations and discussion between three parties and that would be the applicant, Cambridgeshire County Council, Fenland District Council and also Network Rail. So may I actually suggest that we put down as an action for an update on this specific situation to be done in conversations being held with those four organisations and an update to be given to the examining authority, a specific issue.

00:19:32:00 - 00:19:55:13

Clear project for the applicant. Yes, that is fine. There is already the intention to have sort of tripartite discussions and an agreement in any event between Network Rail, the applicant and Cambridgeshire County Council in relation to the provision of a future crossing, should the March to Wisbech railway come forward in the future. So there is already

00:19:57:18 - 00:20:03:11

some tripartite conversations that are going to need to happen. The applicant is just waiting for network rail.

00:20:03:22 - 00:20:22:23

In light of this intervention, I would suggest Fenland District Council as well. Can I just go finally to Mr. Andrew Fraser and just check if that is an acceptable way forward? Um. Is that okay? I'm afraid that you are mute. We can't hear you.

00:20:24:11 - 00:20:33:19

Thank you, sir. Yes. I'm glad that the tripartite discussions are to be expanded to quarter partite to include Finland. But otherwise, yes, that's absolutely acceptable.

00:20:34:02 - 00:21:10:18

Thank you. Thank you very much. Um, now, in mindful that you have said on your early intervention, Mr. Andrew Circuit that you wanted to also raise some issues in this item in terms of land take and junction improvements. But as we have discussed before, those are actually linked with a notification of the request for change that we have just received and for particularly in terms of giving everyone a fair chance to actually get access to the information, actually look at that specific information.

00:21:11:02 - 00:21:48:01

And considering that the Planning Inspectorate was only informed of that in notified of that last night and that information is not available on our website at the moment. So perhaps I would suggest that we either hold that item and just very clearly just make a general comment on that and the AOB, which we are planning to raise or then save that those specific comments for a later hearing when we have made um, where our position and the information regarding change request is made available to other parties.

00:21:48:29 - 00:22:08:25

So can, can just comment, Um, I mean my understanding of this is that, um, obviously I'm not going to make my, my team submissions for them, but my understanding is that the, there is progress towards agreement on how the junction might be improved. Um, but.

00:22:09:15 - 00:22:25:18

I accept that. I accept that. Mr. And I accept that. I accept that there might be progress, but my point is a point of natural justice here in point that actually other people on this call have not had a chance to actually look at any information regarding the change request.

00:22:25:20 - 00:22:45:03

Just if, if might finish. Um, there has been progress. Um, the change letter is tied up with that progress, but there is still further work to do. And so there is some merit to your suggestions that we defer consideration of this issue because it may be.

00:22:45:29 - 00:22:47:12

Fine. Yes. Sorry.

00:22:48:04 - 00:22:49:27

I think I thought what you said.

00:22:49:29 - 00:23:08:03

Sometimes I do. But sometimes I agree with you. I know it's rare, but sometimes I do. Um, anyway, the point is that if we leave it a bit, then it may well be that the whole situation will be resolved. Or at the very least, the issues will be narrowed. So there's some force in doing what you suggest. But it is an important issue and it mustn't be forgotten.

00:23:08:29 - 00:23:09:23

Uh, yes.

00:23:10:12 - 00:23:25:07

Definitely noted. And thank you for that. And and in that case, then I would just like to ask if anyone else has any queries regarding this specific item that they would like to pose now.

00:23:30:28 - 00:24:07:12

I don't see any hands of waste. So I was going to move us to item four, but am mindful of what we have discussed this morning in terms of the ten minute break in order to let people that are joining us

from different rooms to settle. So it's now 1224. So can I actually suggest that we adjourn this meeting for ten minutes and resume it 12 at 1234 if that is acceptable to everyone? If it isn't, please raise your hand and let me know if you have any problem with that.

00:24:10:18 - 00:24:18:24

I don't see any hands raised, therefore adjourned this meeting. Now it's 1224 and will resume at 1234. Thank you.