

BY EMAIL

To: transportinfrastructure@dft.gov.uk

Secretary of State for Transport
c/o Transport Infrastructure Planning Unit
Department for Transport
Great Minster House
33 Horseferry Road
London
SW19 4DR

22 September 2022

Dear Transport Infrastructure Planning Unit

PROPOSED NETWORK RAIL (CAMBRIDGE RE-SIGNALING) ORDER 202[X] (THE "DRAFT ORDER")

OBJECTORS: (1) GARY JOHN BOWMAN; (2) THE RIGHT HONOURABLE PATRICK VAVASSEUR FOURTH BARON FISHER OF KILVERSTONE; (3) MILLS & REEVE TRUST CORPORATION LIMITED (TOGETHER "THE ESTATE OWNERS")

OBJECTION TO THE PROPOSED SCHEME

Introduction

- 1 This letter is submitted on behalf of the Estate Owners, the owners of land and interests in land included in the Draft Order for the proposed re-signalling scheme ("**Scheme**") and this includes land which is to be permanently and temporarily acquired by Network Rail. The Estate Owners are therefore statutory objectors to the Scheme.
- 2 The Estate Owners are the freehold owners of several land interests which adjoin or are in the immediate vicinity of the level crossing known as "Croxtan" at the intersection of Thetford Road (A1075) and the railway line known as the ETN Breckland Line. We understand this land is within the scope of compulsory powers of acquisition sought by Network Rail pursuant to the Draft Order.

- 3 The first and second named Estate Owners above are the registered proprietors of land comprised within land registered at HMLR under title number NK163364. Parts of this land are included within plots 900, 903, 904, 905, 906, 907 as shown on Land Plan Sheet 9 of 9 of the NR10 – Deposited Land Plans (“**Plan 9**”) and referred to in the Book of Reference.
- 4 The second and third Estate Owners above are the registered proprietors of land comprised within land registered at HMLR under title number NK398634. Parts of this land are included within plots 908 and 909 as shown on Plan 9 and referred to in the Book of Reference.
- 5 Collectively, the above land as shown on Plan 9 is referred to as the “**Estate**” for the purposes of this objection.
- 6 The Estate Owners understand that:
 - 6.1 plots 904, 906 and 908 are to be permanently acquired in connection with upgrade works to the Croxton level crossing associated with the Scheme;
 - 6.2 plot 903 is to be temporarily acquired;
 - 6.3 plots 905, 907 and 909 are to be temporarily acquired and permanent rights over that land are to be acquired thereafter; and
 - 6.4 plot 900 is required for permanent rights.

Separate planning permission(s)

- 7 The Estate Owners further understand that no request for a direction granting deemed planning permission has been sought by Network Rail under section 90(2A) of the Transport and Works Act 1992, meaning that separate planning permission(s) will need to be applied for from Breckland Council pursuant to the Town and Country Planning Act 1990 to authorise the carrying out of many of the proposed Scheme works.
- 8 As the Scheme works proposed to and in the vicinity of the Croxton level crossing will require planning permission to be granted by Breckland Council, there is little in the way of information and materials provided by Network Rail in connection with the Draft Order to allow the Estate Owners to assess the likely impacts of the proposed Scheme on its Estate and on the farm operations carried out on the Estate.
- 9 For example, the Estate Owners are concerned to understand the likely heritage impacts of the Scheme on the pill box at Croxton level crossing (Norfolk Historic Environment Record 15052). The pill box is a monument with “SHINE” status.

Whilst it is outside the Draft Order limits, it is nonetheless physically within the boundary of plot 905 and will be in close proximity to the Scheme works at Croxton (see below).

The Estate

- 10 The affected Estate and surrounding land is farmland used for commercial agriculture comprising both arable and livestock, as well as a rural estate.
- 11 The Croxton level crossing bisects the Estate and is an essential crossing between the land to the east and west of the A1075. It is a vital crossing for various agricultural vehicles, as the alternative routes are lengthy, and whilst other crossings can be used by farm vehicles, these are less commodious and are shortly to be closed under private arrangements with Network Rail.
- 12 The safety of farm workers and livestock is paramount, as well other road users, and so it is important for agricultural vehicles to use the roads as little as possible. We note from the Scheme application documents that the upgraded Croxton level crossing will increase the average and maximum queues of traffic at the crossing and will therefore have a direct effect on the operational workings of the Estate.

Pill box

- 13 As explained above, there is a World War II pill box within plot 905 (albeit the pill box itself has been excluded from the proposed Order limits). The pill box is entered on the Norfolk Historic Environment Record at 15052, and whilst an unlisted heritage asset, is noted with Selected Heritage Inventory for Natural England or "SHINE" status. Historic England's response at the pre-application consultation stage notes that the Scheme may have an impact upon its setting.
- 14 The Consultation Report states that *"the potential for impacts on the setting will be addressed with Breckland Council and their heritage department and if required will provide a heritage statement to address this issue"*. We have not yet had sight of a Heritage Statement or received any communication from Breckland Council's Heritage department.
- 15 The Estate Owners are concerned to understand the likely heritage impacts of the Scheme on the pill box at the Croxton level, the impacts of which have not yet been considered or properly assessed by Network Rail.

Grounds of objection

- 16 The grounds of the Estate Owners' objection to the Draft Order are summarised as follows:

Ground 1 – Compulsory acquisition of land

- 16.1 Network Rail have consistently used the Estate Owners' land either side of the Croxton crossing, in particular the access from the A1075 into the part of the Estate to the east, without legal rights to do so. However, from time-to-time various temporary licences have been entered into between the Estate Owners and Network Rail to provide Network Rail with access rights for essential maintenance works.
- 16.2 Negotiations are ongoing with Network Rail to formalise the position with the Croxton crossing by way of a private agreement and such negotiations are well progressed, meaning that a private agreement is expected to be completed between the Estate Owners and Network Rail shortly. Compulsory acquisition of the Estate Owners' land should therefore not be necessary for the Croxton level crossing works associated with the Scheme.
- 16.3 Compulsory acquisition of land should always be a last resort, meaning that acquiring authorities are expected to try and acquire land by agreement before resorting to compulsory acquisition. Moreover, compulsory acquisition should only be proportionate to the Scheme and no more than is absolutely necessary.
- 16.4 It has not been made clear to the Estate Owners why such a significant part of their land needs to be acquired and how it is proportionate to the Croxton level crossing works that are envisaged.

Ground 2 – Impact of the Scheme on the Estate and lack of information

- 16.5 As part of the Croxton works, the Scheme proposes a level crossing upgrade and enhancement to include an automatic half barrier crossing to manually controlled barriers monitored by obstacle detection. As explained above, the Estate relies on the Croxton level crossing and it is unclear what the impacts of these works would have on it due to the lack of information provided in the TWAO application.
- 16.6 The Croxton level crossing is an essential crossing between the land east and west of the A1075 to avoid agricultural vehicles using the road as little as possible. This is particularly acute in relation to the pigs that are transported on the Estate and the need to keep livestock and workers safely off the road for health and safety reasons.
- 16.7 The projected upgraded level crossing will increase the average and maximum queues of traffic by 1 minute, with an additional 80 metres of queues projected for the PM peak. The Estate Owners have concerns

about what these queues will mean in the context of the operation of the Estate and the farm traffic and its ability to keep agricultural vehicles off the road as much as possible.

- 16.8 The additional queues of 80m projected for the “PM peak” forecast by Network Rail is concerning. This is a busy A road, with traffic regularly having to queue at the present time. The Estate Owners are concerned about impacts on farm operations, including the ability to attend promptly to livestock within the Estate and the health and safety of farm workers and livestock if agricultural vehicles are on the road for longer periods of time.
- 16.9 The Estate Owners are also concerned that the Scheme works will disrupt timing when harvesting crops.

Ground 3 – Impact of the Scheme on the setting of a heritage asset

- 16.10 As set out above, Historic England has in its consultation response on the proposed Scheme noted that, whilst the Scheme would not have a direct physical effect the pill box within the Estate at Croxton (Norfolk Historic Environment Record 15052), its setting may be impacted. Whilst Network Rail has confirmed in its Consultation Report that the works proposed at the Croxton Level Crossing and the land acquisition powers sought to facilitate these as part of the Draft Order have been designed so as to not directly impact the pill box, this has not been demonstrated within the application documents submitted with the Draft Order.
- 16.11 The Draft Order does not include a request for deemed planning permission. Rather, planning permission for the Scheme works will be sought separately through the Town and Country Planning Act 1990. No planning application has yet been submitted, meaning that the potential for impacts on the setting of the pill box have not been assessed and, in particular, the Estate Owners have not seen a heritage statement which assesses the impacts of the Scheme on the setting of the pill box.

Conclusion

- 17 The full extent of the impacts of the Croxton level crossing works associated with the proposed Scheme on the Estate are unclear, due to the lack of information provided in the application for the Draft Order. However, the impacts appear to be significant and the Estate Owners formally object to the Scheme.

- 18 The Estate Owners are concerned that the Scheme will cause harm to their commercial enterprise operating at its Estate and that there will be a significant impact on their employees and the welfare of their livestock.
- 19 The extent of compulsory acquisition powers sought in the Draft Order has not been fully explained or justified and it is not clear how the land acquisition powers that have been sought mean that the Scheme will not directly impact upon the pill box. Finally, the potential for impacts on the setting of the pill box have not yet been assessed.
- 20 Please direct all correspondence relating to this objection to: Mrs Julie Cole at [REDACTED] or at the above postal address above.

Yours faithfully

[REDACTED]

Mrs Julie Cole MRICS FAAV

Email: [REDACTED]

Mobile: 07958 343686

Agent on behalf of Kilverstone Estate LLP