

**TRANSPORT AND WORKS ACT 1992**

**APPLICATION FOR THE PROPOSED NETWORK RAIL**

**(CAMBRIDGESHIRE LEVEL CROSSING REDUCTION) ORDER**

**SUMMARY OF CURRENT POSITION**

**ON BEHALF OF**

**F C PALMER & SONS AND THEIR SUSIDIARY COMPANIES**

**FENLAND FARMERS LIMITED, FENLAND FARMING LIMITED, FIELDS 9, 10, 11 LIMITED,**

**FIELDS 16-17 LIMITED AND FIELDS 71-72 LIMITED**

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## **1.0 THE FARMING BUSINESS**

1.1 F C Palmer & Sons farm 3,150 acres of land in a single block which straddles the Cambridge to Ely railway line. Of the total area, 1,508 acres is situated on the east side of the railway line.

1.2 All of this land is served by a range of packing and storage facilities which are located on the western side of the railway line at Chittering Farm. The farm office and the main workshops are also located on the western side of the railway line at Stowbridge Farm.

1.3 The main farm roadways which link the buildings to the land on the east side of the railway line utilise the level crossings at C33 – Jack O'Tell and CO2 – Nairns. In addition to the 1,508 acres of land on the eastern side of the railway line which would be severed by the closure of these level crossings, there is also a further 240 acres of land to the north of New Farm which would be severed by the closure of these level crossings.

1.4 My clients grow a rotation which includes wheat, barley, beans, potatoes, carrots, beetroot, leeks, celery, lettuce and turf. The majority of these crops are high yielding root and salad crops which involve intensive operations and irrigation. All produce harvested from the 1,508 acres of land on the east side of the railway line and the 240 acres to the north of New Farm has to be transported back to the buildings at Chittering Farm for grading and storage.

1.5 Based on the current cropping, the total number of movements across the level crossings to grow and harvest the crops on the land on the eastern side of the railway line and the land to the north of New Farm amounts to 9,700 movements per annum.

## **2.0 CONSULTATION PROCESS**

2.1 Network Rail held a public consultation in July 2016 at which they outlined their proposals to close the level crossings known as Fyson's, Jack O'Tell and Nairns as part of the Anglia Level Crossing Reduction Strategy.

2.2 My clients attended the public consultation and completed a questionnaire objecting to the proposal to close the three level crossings.

2.3 Although my clients provided details of their farming operations and the usage of the crossings to Harmer Associates on 25 July 2016 and again to Messrs Adjei, Prowse and Boulton on 20 January 2017, Network Rail did not take account of this information in reaching a decision on the closure of these level crossings.

2.4 Network Rail did not engage in any meaningful consultations with my clients until a meeting which was held on 12 June 2017 which was attended by Andrew Prowse, Gareth Lay, Andrew Kenning and Jonathan Boulton. At this meeting, my clients explained the impact of the proposed closure of the three level crossings on their business based on the information which was going to be included in their Statement of Case.

### **3.0 IMPACT OF CLOSURE OF LEVEL CROSSINGS**

3.1 There are only two possible alternative routes of access from the farm buildings at Chittering Farm to the 1,508 acres of land on the eastern side of the railway line and the 240 acres to the north of New Farm:

- Either via the A1123 and the level crossing at Dimmocks Cote, or
- Via the A10 Trunk Road, the village of Waterbeach and the level crossing at Bannold Drove.

3.2 There are two major drawbacks to using the A1123, the first of which is road safety and the second of which is the fact that my clients do not have a legal right of way through Little Farm. During the last two years, my clients have had three road traffic accidents involving their farm machinery when turning right off the A1123 onto the farm roadway.

3.3 The alternative route is even worse in that it would result in a huge increase in the volume of agricultural traffic on the A10 Trunk Road which at peak times is already severely congested. It would also mean a huge increase in the volume of agricultural traffic through the village of Waterbeach and an additional journey time of approximately 1 hour per movement depending on the time of day.

3.4 If all three level crossings are closed and my clients have to re-route their farm traffic via the A10, it is estimated that this will add up to 1 hour per movement or 9,700 hours to their operations each year. It is estimated that the cost to their business of closing all three level crossings would be in the region of £375,000 per annum.

#### **4 NETWORK RAIL'S REVISED PROPOSALS**

4.1 Now that Network Rail has understood the implications of the closure of all three level crossings on my clients' business, it has decided not to close both Nairns crossing and Jack O'Tells crossing and leave one crossing open to vehicular traffic for their farming operations.

4.2 This is welcomed by my clients who understand that the decision as to which crossing should remain open depends on the provision of appropriate means of access between the crossing in question and the remainder of the agricultural holding.

4.3 According to Network Rail's Position Statement, if Nairns Crossing is to remain open, then Network Rail will upgrade the crossing with the provision of Miniature Stop Lights and if Jack O'Tells crossing is to remain open, then Network Rail will upgrade the crossing with the provision of Miniature Stop Lights and the installation of a telephone system.

4.4 My clients are of the view that the level of upgrade works being proposed to the level crossing which remains open is woefully inadequate. According to Network Rail's Statement of Case, all three crossings are classified as high risk and the closure of two of the three crossings will concentrate all of my clients' agricultural traffic onto a single crossing.

4.5 Network Rail has already pointed out in correspondence that the incident which occurred at Nairns crossing in 2016 is an example of misuse of a crossing used by a commercial entity. However, whilst my clients' employee was clearly at fault for the accident, it would not have happened if the crossing had been equipped with a barrier. Therefore, the provision of Miniature Stop Lights at either crossing will not do anything to eliminate the risk of unintentional misuse of the crossing.

4.6 Whilst Network Rail has accepted that one of the crossings has to remain open, it would appear that the company is putting the cost of upgrading the crossing ahead of the safety of both the users and the travelling public. Since we believed that Network Rail's primary objective in seeking compulsory powers to close these crossings is to eliminate the risk to crossing users and the travelling public, the concentration of all of my clients' agricultural traffic onto a single crossing will not eliminate the risk and the provision of Miniature Stop Lights will do little to mitigate the risk.

4.7 The best available engineering solution to mitigate the risk at the remaining crossing is a fully automated crossing with barriers. My clients have always stated that they would only accept the closure of two crossings if the remaining crossing is fully automated with barriers in order to reduce the risk as far as possible.

## **5 CONCLUSION**

5.1 The evidence which my clients and I have heard at this Inquiry reinforces our view that Network Rail carried out very little research into the use of the three level crossings, Fysons, Jack O'Tells and Nairns and decided to close these crossings before carrying out a proper assessment of the impact of the closure on my clients' business.

5.2 The public consultation exercise which Network Rail undertook was at best inadequate and at worst ignored the consultations which were not helpful to the project.

5.3 Whilst my clients welcome Network Rail's decision not to close all three crossings and leave either Jack O'Tells crossing or Nairns crossing open, the level of upgrade works proposed to the level crossing which remains open is woefully inadequate. The closure of two of the three crossings will concentrate all of my clients' traffic onto a single level crossing which will considerably increase the risk of an accident at this crossing and the installation of Miniature Stop Lights and/or telephones will do little to reduce this risk.

5.4 Network Rail is therefore putting cost ahead of safety in refusing to fully automate the crossing which remains open and for this reason, my clients continue to object in the strongest possible terms to Network Rail being granted compulsory powers to close the level crossings.