

**Angela Foster**

---

OBJ/42

**From:** F.C Palmer & Sons  
**Sent:** 24 April 2017 16:29  
**To:** TRANSPORTANDWORKSACT  
**Subject:** Network Rail Cambridgeshire Level Crossing Reduction Order  
**Attachments:** Scan0208.pdf

Dear Transport and Works Act Orders Unit,

Please see attached my objection to the proposed closure of the works user crossings on our farm.

Please can you send a receipt email to confirm delivery.

Kier Petherick

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

---



20 April 2017

Secretary of State for Transport  
c/o Transport and Works Act Orders Unit  
General Counsel's Office  
Department for Transport  
Zone 1/18 Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Dear Sirs

**Network Rail Cambridgeshire Level Crossing Reduction Order**

I refer to the various notices which have been served by Network Rail to acquire compulsory powers to close the level crossings referred to as C34 – Fysons, C01 – Chittering and C02 – Nairns in the proposed Network Rail Cambridgeshire Level Crossing Reduction Order.

I farm in a family farming partnership with my Father in Law his brother and my two brother in laws under the Partnership name of F.C.Palmer and Sons. We collectively farm 3150 acres and employee over 20 staff within the farming business. The farm land is split by the railway line leaving 1753 acres on the Eastern side, which we access daily using the three works user crossings.

We have collectively written to the Secretary of State objecting to the proposed closures as F.C.Palmer & Sons our farming partnership and we are writing lodging personal objections as well.

My objection to the proposed closure of the crossings is based on our operational costs and safety if these crossings are closed. But also the extremely un professional manor Network rail have conducted the consultations and their engagement with the people the proposals will effect.

Firstly the closing of the crossing will result in increased road traffic of agricultural vehicles which everyone wishes to avoid. We have had a number of accidents with agricultural vehicles tuning right on the main road to renter our farm after using the level crossing, we try to avoid using the road as much as possible and use our private crossings, however the new proposals will result in all of our farm traffic using this right hand turn off the A1123 back into the farm, it is only a matter of time before we have a serious RTA or fatality tuning right off this road, due to the impatience of other road users, which is why we avoid using the A1123 access as much as possible. The other impact from the proposed closures will be cost, with up to 30 crossing per day, due to our intensive cropping rotations, we have some individual journeys increased by 7 miles per trip, this will significantly increase our costs of production and brings in to question the viability of the intensive cropping which supports a large labour force on 20 plus staff.

Secondly, I have enclosed the following appendices.

**Appendix 1.** Letter from myself to Network Rail dated 27/07/16

**Appendix 2.** Letter from myself to Andrew, Issac and Johnathan, who were representing Network Rail in the consultaion process. This was sent following a meeting on site that we requested Network Rail to attend.

**Appendix 3.** Response from Isaac Adjei, Network Rail to my letter dated 14/02/17 Appendix 2

**Appendix 4.** Contains an email I have sent to Isaac Adjei Network Rail 24/02/17 regarding his response Isaacs letter dated the 22/02/17 and an email from Isaac responding to my email sent 24/02/17 from Isaac dated the 3/03/17

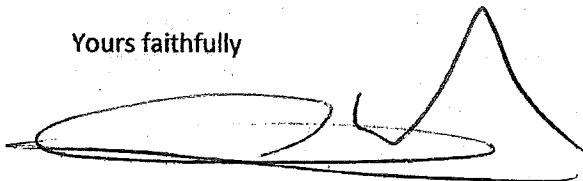
Apologies, for sending all of the detail, however I feel it provides an important schedule of correspondence and information, regarding the poor treatment we have received during the consultation process. As a third party reading the correspondence I am sure you will agree it seems disproportionally in favour of the Network Rail argument that all of the errors in the published consultation documents seem to support crossing closures? by the law of averages some should surely support crossings being left open for use ?

Network rail have said to automate the C - 01 crossing for vehicles it will cost circa £1,000,000 well this seems a reasonably price to pay to maintain a business employing 20 staff and significantly reducing the likelihood of a serious RTA or fatality. Neither of these points seem to have been considered or are of any interest to Network Rail, SO WE NEED YOUR SUPPORT TO BE HEARD we are all in favour and support the proposal to improve the railway infrastructure, however we need to be able to continue to run our business and continue to employ staff and produce high value produce, without the disadvantage of crossing closures.

If Network Rail are granted compulsory powers to close all three level crossings, this will sever the farm and will make it unviable for us to continue farming in our present structure. The business will have to be restructured, the range of crops grown will have to be reduced and the labour employed will have to be significantly reduced. This will have a devastating impact on myself, fellow partners, employees and their families, all because Network Rail are unwilling to consider the automation of the C-01 Chittering crossing.

I very much hope that you will urge Network Rail to reconsider the options and engage in some meaningful discussions with me and my partners before granting Network Rail compulsory powers.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kier H E Petherick'. The signature is stylized with a large, sweeping loop on the left and a sharp peak on the right.

Kier H E Petherick

Appendix 1

F.C. Palmer & Sons  
Stowbridge Farm  
Green End  
Stretham  
Ely  
Cambridgeshire  
CB6 3LF

Dear Mr Green

25/07/16

Thank you for your time on site. It was good to meet with you and hear about your role within the crossing closure consultations.

As discussed I said I would write to you explaining a little more about our farming operation and provide some cropping details.

As you are aware following the visit to the farm and the tour we took together, during our visit to view the crossings. You will have seen from our visit, that we are a very busy farm growing a wide range of crops over 3400 acres in one block, the block is however separated north to south by the railway line.

Our harvesting season spreads across all twelve months due to the nature of our cropping. We have multiple vehicle movements on a daily basis across the whole farm and employ a mix of UK and Eastern European labour.

Crops grown are as follows:

Area in acres

Celery	150
Lettuce	100
Leeks	250
Beetroot	400
Carrots	100
Potatoes	450
Wheat	1500
Sugarbeet	250
Turf	200

With the exception of the wheat crop, all for these crops are high yielding root and salad crops, which involve intensive cultivations and also irrigation to grow the crop, which means increased vehicle movements per acre.

Once we are harvesting each crop, again the vehicle movements are high as the celery, lettuce and leeks are all hand harvested in the fields and then taken back to our coldstore and distribution building in the centre of the farm. This building is situated to the west of the railway line and marked blue on the map provided. All produce harvested from the land marked Red has to come back to the farm via crossings 1 (Nairns) or 2 (Adams) the harvesting of these crops is a twelve month cycle, lettuce and celery from May until November and Leeks July until April. Assuming 65% of the crop is grown on the Eastern side, this will result in 6 crossings per day of produce and 4 crossings per day of personnel, in both directions, so 20 crossings in total.

Beetroot and Potatoes also come back to the farm centre marked blue on the map. Depending on rotation this would be circa 12,000 tons of produce based on 65% of the crop been grown on the eastern side of the railway line and needing to come back to the western side. The harvesting of these crops starts in late June and ends in November, if we assume 12 tons per load and this results in circa 10 loads per day so 20 crossings over and back in total as well as personnel circa another 4 crossings per day.

All of the crossings mentioned above account for harvesting only of the celery, lettuce, leeks, potatoes and Beetroot and not the carrots, wheat, sugarbeet or turf. The figures do not include the movements for the cultivations, irrigation and spraying completed on any of the crops. I would suggest that we use the crossings up to 50 times per day at peak and 20 at the lowest, during a 12-month cycle.

As I said during our meeting closing of the crossings for our business is not an option. When you look at the volume of crossings we make on daily basis, for us to have to lose the use of the crossing and travel to the 1123 cross via the main road barrier crossing to then come back into the farm would cost a significant amount of money on an annual basis, in terms of additional time taken

The other issue with using the 1123 and turning right on the eastern side railway line is a road safety concern. In the last 2 years we have had 3 road traffic accidents turning right after the crossing. What happens is the traffic builds up at the crossing and when the barriers open all traffic heads east along the 1123. When we use our turning back into the farm, which is a right hand turning 170 meters after the barriers. What frequently happens, is that vehicles normally two or three cars back in the queue, become impatient after the crossing, see a tractor in front no one overtaking the tractor, as the other vehicles can see it turning right. The car then starts to overtake all the other cars to pass the tractor and then gets hit by the tractor as the tractor turns right, this has happened on three occasions in the last 2 years.

I hope this helps explain our operation a little more. I have enclosed a map which details the land we farm and the crossings we use to access the land as well as the locations of the farm buildings / crop stores.

If you have any other questions for me, please ask. I look forward to hearing from you.

Kind regards

Kier Petherick

ANK 2

F C Palmer and Sons  
Stowbridge Farm  
Green End  
Stretham  
Ely  
Cambridgeshire  
CB6 3LF

14/02/17

Dear Andrew, Isaac, Jonathan

Thank you for coming to meet us at the farm on the 20<sup>th</sup> of January.

As I said at the meeting I would send additional information to help you understand our business and the circumstances of operating a busy the farm.

I have enclosed a copy of the letter and map I sent to Mr Green of Harmer Associates in July 2016 following his visit to the farm. Can you confirm to me this letter and the content have been registered and uploaded onto the system you are using to review each crossing. I have doubts as when you visited us in January not one of you had this information to hand, which was surprising. I thought it demonstrated a total arrogance, that three employees of Network Rail would travel to a meeting requested by the third party and have no back ground information, your response was the information is on the system and you don't have it to hand. Can you confirm the attached letter was received in July of 2016.

Also enclosed are two maps which detail the area of land we farm and the title numbers as well. I have sent this information to Ardent to aid their land referencing.

I would also like to raise some points which were discussed at the meeting on the 20<sup>th</sup> and Isaac you told us you would come back with responses. We are still waiting for your responses and have received no communication from you, which is very disappointing.

#### C01 Chittering Proposal

Happy with the proposal as the current crossing has very poor visibility, moving it makes sense from a safety perspective.

#### C02 Narins Proposal

It states Network Rail undertook a census in June and July over three days ? and the results are stated on the crossing proposal document, which show zero movements. I would like the results to be sent to me as the land owner and the dates the census was completed. There are two reasons for this firstly how was the census completed as no one was on the farm completing a census during June and July there is no way to access the crossing without asking us for permission and this did not happen. Secondly, I have 12 staff who have confirmed they were all using the crossing during June and July and the harvesting records, timesheets, invoices to customers proving beyond doubt, the

crossing was in use we harvest 7 days a week during these months and all of the crop was grown on the East side of the railway and outloaded on the West side of the railway. I have four members of staff who live in the cottages on the west side and start work on the east side in our main yard, they were all working during June and July.

C33 Jack O Tell

I have highlighted the fact that 100% of responses were neutral to the proposal and 100% support the Red route. I have objected and every opportunity at the closing of the crossing and there is no red route on the map, so I am unsure how 100% can be in favour ?

C34 Fysons

I attended the consultation in July and completed a questionnaire objecting to the proposal. I have also sent in letters and met with your representatives stating at all times my objections to the proposals. The document states there have be no objections ?

I fail to see how Network Rail can write total lies on its website regarding responses from people who have attended consultations, completed questionnaires and met your representatives.

I will make our position very clear, as a business and as individuals who own the business and land, we cannot object more strongly to the proposed crossing closures.

I look forward to receiving responses to the questions I have raised above. Can Isaac also write to me confirming that Network Rail understand and have recorded our objections to the crossing closures in July 2016

This process is costing our business time and effort away from our daily operations, investing time in communications regarding a scheme we do not want to see progressed. We need to be compensated for the work we are putting into communications.

Kier Petherick

Enclosed

- Letter and map sent on the 25/07/16
- Farm area map
- Farm title number map
- Downloaded Crossing proposals for
- Nairns
- Jack O Tells,
- Chittering
- Fysons



ADJEI UK 3



Isaac Adjei  
Network Rail  
The Quadrant Elder Gate,  
Milton Keynes Central,  
BUCKINGHAMSHIRE, MK9 1EN  
[Isaac.Adjei@networkrail.co.uk](mailto:Isaac.Adjei@networkrail.co.uk)

F C Palmer and Sons  
Stowbridge Farm  
Green End  
Stretham  
Ely  
Cambridgeshire  
CB6 3LF

Date: 22 February 2017

Dear Kier,

**RE: Additional Information Letter**

Thank you for your letter dated 14/02/2017. Given some of the communication difficulties, which have occurred previously in relation to the effect of Network Rail's proposal on your land, I will be your single point of contact going forward to stop this reoccurring.

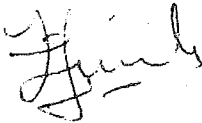
In response to the specific queries raised in your letter I can confirm that the previous correspondence, attached in your letter, was indeed received by Network Rail in July 2016. Network Rail's proposed scheme affects over 900 landowners and all information is electronically stored on a central database and used to feed into designs, consultation documents and proposals. Hence, even when specific information is not known off hand by Network Rail employees, it will be readily accessible and would have fed into the various stages of Network Rail's proposals.

In terms of C02 Nairns Proposal I have been advised by Network Rail's contractors that this table was included as a mistake and should not have been. No census was undertaken at Nairns (hence why there was no data in the table) and any usage information Network Rail has acquired has been through correspondence which has been received and the more recent private user questionnaires.

For C33 Jack O Tell and C34 Fysons the neutral responses relate solely to questionnaires received by Network Rail's agents and not to any objections made by letter. Should you have submitted a questionnaire which you feel may have been missed, please send this to me I will update Network Rail's records accordingly.

I would also like to thank you for the additional information you have sent through and can confirm this has been taken into consideration in finalising designs. In relation to compensation, at this stage it would be premature to initiate that process, as the Secretary of State is yet to confirm whether powers are to be granted. As such, and as per the standing policy across compulsory purchase schemes nationwide Network Rail will not be offering any compensation for fees until the notice to treat stage of this process (which is likely to be in around a years' time). Network Rail is however willing to work with you and should further meetings be requested, Network Rail personnel can attend at times most convenient to you to avoid any disruption to your business activities.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Isaac Adjei', written in a cursive style.

Isaac Adjei

Acting Project Manager

Appendix 4.

**F.C Palmer & Sons**

**From:** Adjei Isaac <Isaac.Adjei@networkrail.co.uk>  
**Sent:** 03 March 2017 17:04  
**To:** F.C Palmer & Sons  
**Cc:** Andrew Prowse; Boulton Jonathan; Thornber Andrew; Walker Rashel  
**Subject:** RE: Information from F.C.Palmer & Sons

Hi Kier,

Please accept my sincere apologies for not coming back to you earlier. I have below the number of questionnaires we received (event, freepost and online) at each of the crossings related to your farm. At Round 1 we did not ask for the user type, but reading the comments, none appear to be from the landowner. At Round 2 we did ask for the user type and none were given as the landowner also.

	Round 1	Round 2
C01	4	3
C02	0	2
C33	1	2
C34	0	2

If you have completed the questionnaire but not providing a crossing name. We will be unable to link it to a crossing and we did receive responses in that category so that could have been the case, but it is this could have happened twice, if you attended two events and completed questionnaires at both – we have records of other hard copy / event questionnaires from these events.

There is absolutely no reason for us to omit questionnaires, unless incorrectly completed. The published results of the consultation clearly show negative responses at many crossings. I note from your email dated 28/9/16 that you attended the R2 consultation event in Cambridgeshire in September – you therefore be getting confused between the Round 1 and Round 2 events.

Notwithstanding the text on the Summary Sheets, FC Palmer are solely interested in the private user aspect of the crossings, and as key landowners you have been consulted on several occasions

- 4/2/16 – Initial Hamers letter (by email) to Mr Petherick
- 5/2/16 – Mr Petherick response stating he'd been through all the issues with NR the previous year and would only accept closures if one crossing remained with automatic barriers
- 27/5/16 – Hamers site meeting
- 25/7/16 – Letter and plans issued by Mr Petherick in response to May site meeting
- 28/9/16 – further email correspondence with Mr Petherick reissuing previous correspondence

At no stage have FC Palmer put forward any alternative solution other than retaining at least one crossing, upgraded to include automatic barriers.

Network Rail will set out the compensation process further on in the process and that under this process, any loss of business or additional costs will be compensated.

Finally I can also confirm that FC Palmer will also have a further opportunity to put this case forward to the Secretary of State once the Order is submitted during the 42 day statutory objection period. This will be reviewed and by an independent Inspector.

Network Rail is not intending to engage into a positional discussion at this stage, but the above sets out the current position from Network Rail perspective and I hope it is acceptable.

Office of Rail Regulation (ORR) is the regulatory body for the rail industry.

Regards  
Isaac

**From:** F.C Palmer & Sons [mailto:fc.pots@btconnect.com]  
**Sent:** 24 February 2017 09:11  
**To:** Adjei Isaac  
**Subject:** RE: Information from F.C.Palmer & Sons

Isaac,

Thank you for your response, disappointing it only arrived after I had to prompt you. A cynic would suggest you had not responded to me following our last meeting, hoping

Can you provide details of the Network Rail Ombudsman, as I need to contact them immediately to registry my complaints?

Your responses to my questions, must have made you embarrassed to write them. The response to the request for census data, is that there is none and Network Rails contractor has made a mistake ?  
The information you have put on public record is a total lie, how can anyone trust what you or your contractors are saying. Explain to me why I am picking up the mistakes and you and your contractors who are being paid to complete this work are not. The detail on consultation Feedback again is a total lie, I have written to Network Rail filled in questioners, and risk assessments where are the details, the information you have proved regarding consultation feedback is total lies, it misrepresents the situation to any reader, this must be against the law, your relying on the accuracy of the content of the documents to make an application to the Sectary of State. The content is totally inaccurate and full of lies to suit your application.

I attended the public consultation at Littleport and Cambridge re crossing closures and I completed questionnaires at both of them objecting to the closures, where are they ? how can I have a confidence in your contractors ability to reports facts, when the Nairns crossing states its has had a Census completed over 6 days and now you are telling when, when I question it. No apologies that was a mistake.

I don't have copies of the questionnaires I have sent, sadly I left my photocopier at home that day, I passed these to you agents and had hoped they would be collected and recorded. Can you send me copies and I will complete them again. Then you can update your records.

Isaac, if a third party was to read our correspondence they would be very surprised and shocked how poorly Network Rail have collected facts and presented them, I would go as far as to say Network Rail have misrepresented them to suit their own needs.

I am find this process extremely stressful and what you are proposing makes our business unviable. Why am I having to go through this process of finding all of the lies you are putting on your website re crossing closures, this must be against the law.

I need a response by the end of the day. Network rail have misrepresented all of the information regarding the three crossings on our farm, how can we have any trust in what you say. I have to speak to an authority who will treat us fairly, what you are proposing will add massive costs to our business.

Kier Petherick

**From:** Adjei Isaac [mailto:Isaac.Adjei@networkrail.co.uk]  
**Sent:** 23 February 2017 16:18  
**To:** F.C Palmer & Sons <fc.pots@btconnect.com>