



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

20 April 2017

Your Reference:  
Our Reference: DRM/lw.D2589-70

Direct Line: 0117 930 9540  
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Email: dmears@thrings.com

Dear Sir

**Our clients - DS Smith Packaging Limited**  
**NOTICES 397 and 398 re: Crossing C08 Ely North Junction**  
**Factory at 55 Ely Road Queen Adelaide Ely Cambridgeshire CB7 4TZ**

We are acting on behalf of DS Smith Packaging Limited (Company Number 00630681) whose registered office is at 350 Euston Road, London, NW1 3AX but who own and operate a large packaging factory ("the Factory") at 55 Ely Road, Queen Adelaide, Ely, Cambridgeshire CB7 4TZ. Our clients have received 2 notices issued pursuant to the Transport and Works Act 1992 numbered as above and relating to the closure of the above numbered crossing. This letter is a notice of objection by our clients to the notices they have received.

## GROUND OF OBJECTION

1. The notices above referred to give notice of the intended closure of level crossing C08 Ely North Junction which is close to the Factory but is not used by it. The Notice also gives notice of the provision by the draft order of "the compulsory purchase of rights in the land described in schedule 1 below in which it is believed you have an interest". In Schedule 1 as it appears in each of the 2 notices 397 and 398, the land is respectively described as "Plot 60" and "Plot 61" being 2 parts of the same access and roadway ("Access Road") situate within and belonging to the Factory site. Accompanying the notice is a plan which shows these 2 plots comprising the Access Road with those numbered designations. At no point does the notice indicate the nature of the rights sought to be compulsorily acquired and discussions with the agent Bruton Knowles have not thus far yielded any information to clarify this.
2. The Access Road is currently subject only to use by the Factory with very occasional use by Anglian Water who have a lease of a pumping station to the East of the Access Road. The Factory employs some 70 people and has an annual turnover in excess of £12million producing 6 million square metres of displays a year. The Factory is open from Monday to Friday with

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occasional weekend use. The Access Road is used to bring HGV traffic to and from Ely Road and the parking and loading/unloading areas at the rear of the Factory. It is estimated that the Access Road is subject to approximately 20 HGV movements per day. It is a 2 way road and because of the narrowness of the roadway, use by pedestrians would not comply with Health and Safety requirements and is thus not permitted. The junction of the Access Road and Ely Road is barrier controlled by manual operation. Accordingly:

- (a) Any uncontrolled use of the Access Road by 3rd Parties would be highly detrimental to the continued operation of the Factory; and
  - (b) Any uncontrolled use of the Access road by 3rd Parties would breach the security of the Factory Site; and
  - (c) Any use by pedestrians of the Access Road would severely compromise health and safety requirements for the use of the Access Road by HGVs and any inability to use the Access Road by HGVs would totally compromise the continued operation of the Factory.
3. A copy of the draft order has been viewed on the Network Rail website. It appears as "The Network Rail (Cambridgeshire Level Crossing Reduction) Order 201X" ("the Draft Order") and it is believed that this is the draft order relevant to the closure of level crossing C08 Ely North Junction and the 2 notices 397 and 398. We have not however received any confirmation that this is the document setting out the proposals for the Factory. At Schedule 6 of the Draft Order it states that in respect of Plots 60 and 61 the "Purpose for which rights may be acquired" is "Access for removal of level crossing". In the event that the Access Road is being considered for the creation of rights of access for removal of the level crossing and for no other purpose then this will still be the subject of this objection pending further information and responses in respect of the following issues:
- (a) Over what period would use of the Access Road be required?
  - (b) What size of vehicle would require use of the Access Road and approximately how many vehicle movements per day by what number of vehicles would be required
  - (c) The Factory site is presently fully secure with a mixture of high security fencing over the majority but with dense shrubs and trees separating the railway and the Factory requires that there be no breach in that secure cordon for any period. In order to access the land behind the Factory site so as to reach the level crossing, it would be necessary to remove or traverse the high shrub and tree boundary and if this is contemplated then it would need to be replaced by a lockable gateway of equivalent security (or such other arrangement agreed by our clients) to be kept locked at all times with the original boundary made good and secure immediately following conclusion of the works of removal of the level crossing and all at no cost to our clients
  - (d) All use of the Access Road be compliant with our client's health and safety regulations with reporting to those in control of the barrier access for each vehicle movement
  - (e) No pedestrian use of the Access Road

4. Our clients reserve the right to raise further grounds for objection in the event of fresh information becoming available as to the purpose and nature of use of our client's land.

**WHO IS MAKING THE OBJECTION?**

This objection is made by DS Smith Packaging Limited of 350 Euston Road, London, NW1 3AX the owners of title CB167505 within which Plots 60 and 61 are situate. It is submitted by us, their solicitors, namely THRINGS LLP of The Paragon, Counterslip, Bristol, BS1 6BX to whom and at which address any response to this notice should be sent.

Yours faithfully



Thrings LLP

Enc.