

Zac Martin  
Ivan Martin & Son  
Honey Hill  
Straight Furlong  
Pymoor  
Ely  
Cambs  
CB6 2EG

26<sup>th</sup> June 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 Secretary of State for Transport,

### **Statement of Case**

#### **Your Ref: TWA/17/APP/03/OBJ/19**

**- For changes to Public Right of Way, Ref: C11 - A Furlong Drove, Little Downham.**

Further to our Letter of Objection regarding the above right of way changes and subsequent compulsory purchase, we would like to add the following information to our Statement of Case.

In addition to points 1 & 2 in our objections letter regarding the proposed footpath running alongside a main water course, the IDB have advised me that they also have objected to this proposal due to their need to access the land adjacent to the watercourse to undertake maintenance work. (Letter enclosed)

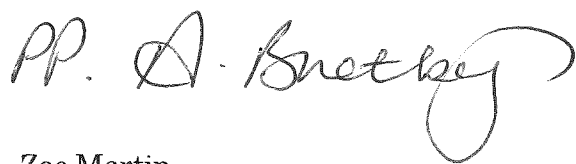
In addition to our overall objections, we wanted to highlight the economic impact this will have on our small intensive farming business. Our land is Grade 1 arable land, of which we will be losing the ability to water 13.2% of our land if this proposed change were to go ahead. At a time when our small, family run, farm business is not financially secure and profit margins are tight, this percentage of lost land will have a much higher economic impact on our business than it would a larger farm.

In addition to our comments regarding the poor and underhanded way in which we feel this has been dealt with, we would like to highlight the following; The first contact made with us regarding this matter was my means of letter from Bruton Knowles on 06/01/2017, we replied via email to register our objections to this plan on 12/01/2017. We were then contacted by Will Jackson (property assistant) by email asking to meet us on

site to discuss these plans and he stated that these plans were *'by no means concrete at this stage and that alternate proposals will be gladly considered by Network Rail.'* Mr Jackson reiterated in his emails that *'these proposals are very much subject to change and any objections or alternate proposals will be carefully considered.'* We met Will Jackson on site on 27/01/2017, there were no specific discussions held, Mr Jackson suggested the site was not at all appropriate and the alternative route/public highway was quiet of traffic, he said he would pass these details on. We also asked if this would be a compulsory purchase situation and it was intimated that this outcome would be unlikely and nothing would be happening fast with these plans. No further follow up or contact was made with us from either Will Jackson or Bruton Knowles.

Despite Will Jackson's reassuring comments, a Formal Notice dated 14/03/2017 was received to advise us that this application to the Secretary of State for Transport had been made. The time period from initial contact to receiving this Final notice is a little over 9 weeks only and as land owners of this proposed site, we feel our comments and opinions were treated very dismissively and were never intended to be considered under this premise of a consultation period.

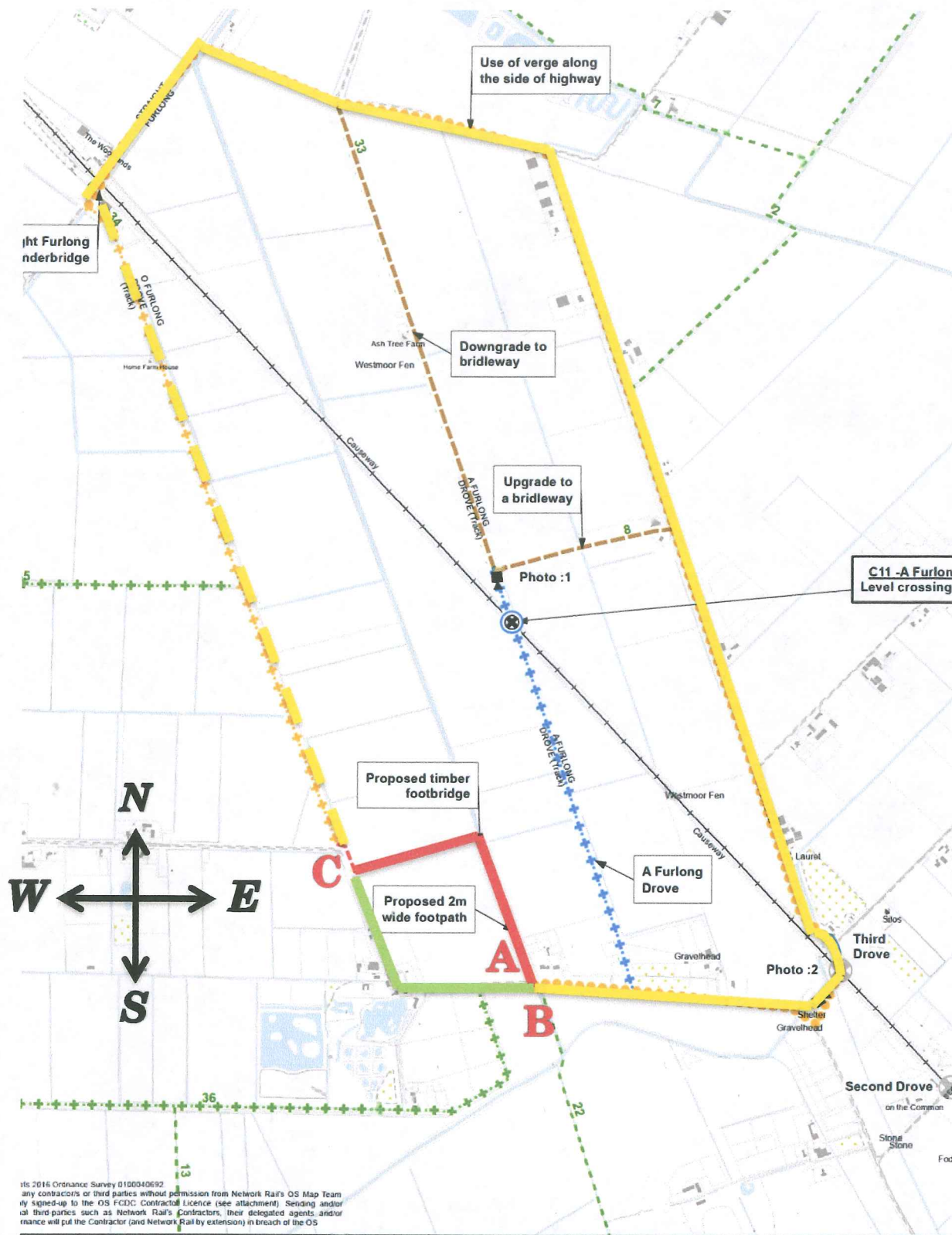
Yours Sincerely

A handwritten signature in cursive script, appearing to read 'P.P. D. Bruton', written in dark ink.

Zac Martin

### **Documents Included**

- Doc 1 - Map of proposed route and our suggested alternative.
- Doc 2 - Picture A, route of proposed footpath on my land.
- Doc 3 - Picture B, Our alternative/preferred footpath route. 1<sup>st</sup> view.
- Doc 4 - Picture C, Our alternative/preferred footpath route. 2<sup>nd</sup> view.
- Doc 5 - Picture D, Existing footpath route.
- Doc 6 - Original Letter of Objection.
- Doc 7 - Copy of letter from IDB.



### Key:

- Existing footpath
- New proposed footpath route
- Proposed footpath on my land
- Our alternative/preferred footpath route



**Picture A**



Photo taken from point 'A' looking NNW.



**Picture B**



**Photo taken from point 'B' looking W. (Our alternative/preferred footpath route)**



**Picture C**



**Photo taken from point 'C', looking SSE (Our alternative/preferred footpath route)**



**Picture D**



**Photo taken from point 'B' looking E. (Existing footpath route)**



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23<sup>rd</sup> April 2017

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General Counsel's Office  
Department for Transport  
Zone 1/18 Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Dear Secretary of State for Transport,

Re: Changes to Public Right of Way, Ref: C11 - A Furlong Drove, Little Downham.

I am writing to formally lodge my objections to the proposed compulsory purchase of my land for the Right of Way changes raised in the above Order.

The proposed new route for the public Right of Way runs across a parcel of my land and alongside a watercourse.

Please find the following reasons for my objections;

1. The proposed footpath runs alongside a main water course needed for abstraction of water due to irrigation of crops at varying times of the year. Our irrigation piping and equipment is situated on this proposed land and would cross the footpath, therefore making it a health and safety risk to the public. (See Map 1 - Fig 1 Red Route)
2. This water course is a main route for drainage of the land to the pumping station and is regularly maintained by means of heavy machinery by the Internal Drainage Board, this meaning safe access is required.
3. The existing footpath uses the verge alongside the highway for the majority of the current route (See Map 1 - Fig 2 Orange Route) and I see no reason why the verge cannot safely be used continually alongside the highway around my land, as opposed to across it as this road has very little traffic. (See Map 1 - Fig 3) Being a popular equine route, horses will still have to use the highway.
4. Large farm machinery is used all year round on this field and we work to the edges of our fields, there would be a health and safety risk to the public in this instance.

5. During Public Consultations which I was not aware of, results showed 64% of responses preferred another route to this footpath proposed. On a 3 day census survey carried out by Network Rail, only 1 pedestrian on 1 day only, used the existing footpath. In light of the low footfall using this route, these figures do not justify the costs and effects to my business, when another route is available.

I feel Network Rail and their partners have dealt with correspondence in a very poor and underhanded manner. I was not contacted by any party, by any means, until after the public consultation periods had ended in January 2017. I have now been made aware that Network Rail claim to have begun engaging with Landowners in 2015 with a further 5 stages of contact to current day.

Please see enclosed pictures of current and proposed routes.

Pic 1: Relates to Fig 1 - proposed route of footpath and watercourse.

Pic 2: Relates to Fig 2 - Existing route alongside highway (Hereward Way)

Pic 3 & 4: Relates to fig 3 - Alternative route around my field/continuation of existing route alongside highway.

Yours Sincerely,

Zac Martin

Ivan Martin & Son



19/06/2017

Dear Zac,

I refer to our recent telephone conversation regarding Network Rail Cambridgeshire Level Crossing Reduction Order.

With regard to the proposed level crossing changes and associated footpath diversions on your land, I can confirm that the Board has responded to the consultation highlighting its objections to the proposed footpaths that would be adjacent to the Board's Main Drain. The proposal would severely restrict the Board's ability to undertake our maintenance works.

Please let me know if you need any further clarification.

Kind Regards,

Andrew Newton

Engineer to Littleport & Downham IDB