



MAXEY
GROUNDS

Your Ref: TWA/17/APP/03/OBJ/35
Our Ref: SAP/BAC/16121
Date: 5th July 2017



Transport and Works Acts Orders Unit
Department for Transport
Zones 1-14 – 18
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Network Rail
C/o. Winckworth Sherwood
Minerva House
5 Montague Close
London
SE1 9BB

For the attention of Ms. C. O'Neill

Dear Sirs,

Network Rail Cambridgeshire Level Crossing Reduction Order
C15 Brickyard Drove Level Crossing and Associated Footpath
Our Clients: Mr. Jonathan Brown and Mr. Robert Brown, T/as. E.C. Brown and Sons

We write to submit our Statement of Case on behalf of our clients Messrs. J. Brown and R. Brown trading as E.C. Brown and Sons with reference to C15 - Brickyard Drove Level Crossing and associated footpath.

We contend that there is no necessity for a footpath, as proven by the survey on site as set out in our letter of 24th April 2017.

We must point out that despite the comment in the Network Rail Statement of Case, Page 73, that 'Network Rail will continue to engage with the relevant stakeholders to see how the issues raised may be addressed,' there has been no discussion with our clients, following the raising of these issues several months ago.

Please accept this correspondence as our clients' Statement of Case.

Yours faithfully,

Shirley Pollard

SHIRLEY A. POLLARD, BA, MRICS, FAAV.
for and on behalf of Maxey Grounds & Co. LLP.

Encs.

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Chartered Surveyors, Auctioneers, Valuers, Land & Estate Agents since 1792
Offices in Chatteris, March and Wisbech

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Registration Number: OC367348. Registered Office: 1-3 South Brink, Wisbech, Cambridgeshire PE13 1JA. Members: Alan J. Faulkner MSc MRICS FAAV
MCIArb MNAEA MARLA, John R. Maxey MA (Contab) FRICS FAAV, Shirley A. Pollard BA MRICS FAAV.





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Your Ref:
Our Ref: SAP/BAC/16121
Date: 24th April 2017

The 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 Sir,

Network Rail Cambridgeshire Level Crossing Reduction Order

We act on behalf of Mr. Jonathan Brown and Mr. Robert Brown trading as E.C. Brown and Sons of Wypemere Farm, 257 Benwick Road, Whittlesey, Peterborough, PE7 2HG, who farm the land adjacent to Lattersey Field Farm, which would be affected by the proposed footpath, shown on the enclosed plan as length No. 16. Our Clients are extremely concerned about the proposed footpath, so much so, that they have gone to the trouble and expense to appoint us as their Agent to write to you with regard to their objection to the proposal.

Background

E.C. Brown and Sons are a long established family farming partnership who have farmed in the immediate locality for several generations. They are extremely progressive and efficient and specialise in the growing of root crops, particularly potatoes and onions. They, therefore, know the local area very well and are well-respected members of the community.

Location

- The proposed footpath is to the south of the railway line and a survey carried out by Network Rail demonstrated that the local community would not make use of such a footpath, indeed the uptake was so small (one person in a three day period), that this project would not appear to be necessary, nor indeed feasible from a financial point of view. Our Clients' extensive knowledge of the local area, would also indicate that there is no demand for such a footpath to the south of the railway line.

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- The proposal for a footpath is extremely disruptive, as it would bring practical problems in respect of machinery usage and especially crop spraying. It would also increase the administrative burden on the farmers.
- The proposed path does not lead to another footpath or walkway and would bring any potential users out onto a busy main road, where there is no footpath to continue their journey. Our Clients do, therefore, have significant concerns for pedestrians from a safety point of view (see also comments below under Health and Safety).

Health and Safety and Environmental Issues

- The proposed footpath would require pedestrians to walk over agricultural land which is being actively farmed.
- There would be a greater possibility of damage and contamination of crops.
- The footpath would give pedestrians direct access to the land and trespass onto the field could not be prevented. This could potentially lead to significant Health and Safety issues with regard to people coming into contact with heavy machinery and chemical sprays and it is difficult to understand how these risks could be minimised with an open pathway on the land.
- The proposed pathway leads directly onto the main road and there is significant risk of pedestrians coming into contact with oncoming vehicles at that point, as there is no footpath alongside the main road.

Costs

- At the time of such financial constraint and where use of public money is quite rightly under constant scrutiny, it is difficult to understand how the cost of construction and subsequent maintenance of the footbridge (shown as 9,10,11,12,13 & 14) can be warranted. The cost of the proposed project would appear to be considerable and vastly out of proportion, when evidence has shown it would hardly be used.
- Our Clients received **20** identical copies of the original documentation from Bruton Knowles, which in itself is a waste of resources and has taken them an inordinate amount of time to sort through, to establish that the paperwork had been duplicated.



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Summary

It is difficult for our Clients to understand the benefits of this project and they strongly object to the creation of any new footpath, believing that it is not necessary and would not be used to any great extent, as proven by Network Rail's own survey.

The cost and disruption caused by the proposed footpath would appear excessive in this rural area, particularly as there appears to be no necessity for the footpath which only leads onto a busy main road.

We shall be grateful if you will note their objection and consider the points raised.

Yours faithfully,

Shirley Pollard

SHIRLEY A. POLLARD, BA, MRICS, FAAV.
for and on behalf of Maxey Grounds & Co. LLP.

