DEPARTMENT FOR TRANSPORT 2012 Transport and Works Act 1992

Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 Transport and Works (Inquiries Procedure) Rules 2004

Application for the proposed Network Rail (Essex and Others Level Crossing Reduction) Order

Statement of Case is submitted by the National Farmers Union on behalf of its Members affected by the proposed Level Crossing Closures

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1 General Introduction

1.1 On 31 March 2017, Network Rail (NR) deposited to the Secretary of State for Transport to make the proposed Network Rail (Essex and Others Level Crossing Reduction Order) under the Transport and Works Act 1992.

1.2 The Transport and Works Act Order (TWAO) application [APP 2 – APP 10] was made in accordance with the procedure contained in the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. It has been given reference TWA/17/APP/03/OBJ/34 by the Department for Transport (DfT).

1.3 The Order, if made, would confer upon Network Rail the powers necessary to close or change the use of and down grade certain level crossings across Essex and Others. In relation to these closures or downgrades the Order authorises the carrying out of works including the removal of the crossings and the diversion or re designation of the status of certain public roads, footpaths, bridleways, restricted byways or byways open to all traffic and the creation of new rights of way. The Order also authorises the construction of footbridges and a bridleway bridge to carry new public rights of way over drains or watercourses. The Order would permit Network Rail to acquire land and interests in land in connection with the construction of the scheduled and authorised works to be authorised by the Order.

1.4 It is the closures of the crossings, diversions of the public footpaths and bridleways and the permitting of Network rail to acquire land and interests in land that affects our NFU members.

2 Purpose of this Statement of Case

2.1 This statement of case has been prepared by the NFU on behalf of its Farmer and Grower members affected by the proposals of the Order as stated above.

2.2 This Statement of Case sets out the particulars of the NFU's case on behalf of its members for objecting to the Order as will be put forward by Network Rail.

2.3 The crossings which are proposed to be closed and have rights of way diverted are highlighted on the plan at appendix 1. This list has been taken from Network Rail website. There are over 20 NFU members affected by the proposals to the crossings and four specific farm business with issues in regard to the proposals put forward by NR are highlighted below:

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2.4 Landowner/occupier	**Crossings**
V and D Roberts	Crossing E47 – Bluehouse (Frinton and Walton Parish)
Audley End Estate	Crossing E12 – Wallis's (Wendens Ambo Parish) Crossing E13 – Littlebury Gate House (Littlebury Parish)
E Camp & Sons	Crossing E02 – Camps Crossing E03 - Sadlers (Harlow District Parish)
C, N and R Hutley	Crossing E48 – Wheatsheaf (Wrabness Parish)

3.0 Background – NFU Responses to Network Rail Consultations

3.1 Network Rail (NR) has highlighted in its current proposals on their website under the heading of "Anglia Level Crossing Proposals" that NR did undertake public consultations in June 2016, a second round in September/October 2016 and a third round in December 2016. The NFU responded on behalf of all its members affected by the proposed closures in Esses to these consultations.

3.2 The NFU in the first response dated 13th July 2016 highlighted that consultation between landowners and occupiers and Hamer Associates (the agents acting for NR) had taken place and requested that it continued. It also stated how important the crossings are to members' farm businesses allowing access to their land on a timely basis. Further specific concerns over certain crossings were highlighted as the NFU believed that landowners and occupiers concerns were not being listened to. Concerns included the affect certain closures would have on some farm businesses due to time and cost of farm vehicles using new proposed routes. Further that new rights of way including footpaths and bridleways had been shown to be created on productive agricultural land.

3.3 The NFU submitted a response to the second and third consultation and raised its concerns over the real driver for the closing of the crossings by NR, as it was felt that the closures proposed are to reduce the maintenance costs incurred by NR and for their convenience.

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3.4 The response highlighted how the amended proposals by NR for each crossing were only published on the day of the relevant consultation event and so farmers had no time to consider the effect of the proposals on their business. They were not able to take any advice from their professional advisers and so were unable to raise considered concerns with NR representatives at the public events.

3.5 The response also highlighted concerns over the accuracy of the data in regard to usage of each crossing and that due to the very brief survey of the crossings mostly carried out over a weekend and a Monday that this could not give an accurate usage figure for the annual use of the crossings by vehicles or pedestrians.

3.6 The NFU has been concerned throughout the consultations that NR have not considered the full impact of closing some of the crossings will have on some farm businesses or the effect of some of the diversions of proposed rights of way. The response highlighted how it is unacceptable to compulsory close a right of access which may be a private right of use with vehicles without providing a suitable cost effective alternative access to the farm businesses affected. It is felt that NR have not considered the full economic implications of closing the crossings to farm businesses from business interruption and loss of business in both the short and long term.

3.7 It is seen that there will be economic gain to NR by closing the crossings proposed.

3.8 A response was submitted to the proposed orders submitted by network rail on 5th May 2017. The primary concerns were highlighted as follows:

- Closure of level crossings will compromise access to agricultural land by farm businesses, their employees and contractors. This concern is brought in part by a lack of clarity and transparency on the impact of these changes on private access.
- The economic impact to farm businesses, caused by the proposed closures to the crossings, has currently been completely underestimated.
- There are proposals to considerably increase the length of the rights of way network running across agricultural land through the creation, diversion or extinguishment of rights of way. This will have an economic impact on agricultural holdings.
- Once a crossing is closed, it is unlikely to be re-opened thus future opportunities for land use, development and neighbouring property may be restricted.
- The specific concerns raised by our members have been highlighted in the attached table. This shows how many unanswered queries remain.

3.9 Two of the main NFU Asks in the response where as follows:

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3.9.1. The NFU recognises Network Rail's aims to improve safety on the network and increase the quality of service provided to its customers through a higher-speed rail network. However, the NFU's preferred option is:

- For other solutions to be considered before the closure or downgrading of level crossings which we believe have not been fully considered up until this point. This includes the use of lights, barriers, GPS, tunnels and bridges.

- For greater consideration to be given to farmer and landowner response in this and previous stages of the consultation process. Only through this full engagement with landowners and other interested parties at an individual or local level can compromise arrangements be made to improve Network Rail's assets whilst not disadvantaging agricultural businesses and rural communities.

3.9.2 For the direct effects of closing and downgrading level crossings, including economic, logistical and safety implications, to be fully considered. Forcing agricultural machinery to take longer routes, often using longer stretches of public road, can have great impacts on the farm business, their contractors and the rural community and we believe this has not yet been taken into full consideration.

3.10 Individual member concerns and issues were submitted with the response in regard to an individual business and specific crossing. Please see all NFU responses to the consultations at Appendix 2.

4 Communication and Consultation by Network Rail and Agents Acting

4.1 The NFU from the first response submitted to consultations on 4 July 2016 highlighted that the consultation between landowners and farmers with Network Rail and their agents acting Hamer Associates at the time) continued. Our members have highlighted that were one to one meetings did take place back in 2016 with Hamer Associates it was thought there had been a reasonable understanding of the issues affecting farm businesses by the closure or proposed changes to the rights of way. Further the NFU had three meetings with Hamer Associates 26 October 2015, 28 April 2016 and 22 September 2016 with updates provided to the NFU on the progress of the project. This also enabled NFU to raise member issues.

4.2 At the end of 2016 Bruton Knowles took over as acting agents for Network Rail. Very few one to one on site farm meetings have been carried out by Bruton Knowles or Network Rail to understand the issues faced by closing some of the level crossings or creating new diverted footpaths or bridleways along productive agricultural land. It is apparent that most of the issues that our members raised in meetings with Hamer Associates and ourselves, have not been considered and the orders have been submitted with proposals that do not take into account issues raised over the last twelve months.

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4.3 The communication and consultations carried out with our NFU members has not been at all satisfactory. Some of our members have had no contact at all with no explanation as to why certain proposals have been made.

4.4 The NFU regional office tried to organise a meeting with Bruton Knowles on the 28 February 2017 but that morning the agent Andrew Prowse cancelled stating that he had to be in London. An alternative meeting date was requested but Bruton Knowles did not feel that this was necessary and that the NFU should just refer to the website for the current situation of each level crossing. Due to the questions and issues raised in regard to the closure of the crossings the NFU would have expected Network Rail or their agents to be requesting a meeting to solve the outstanding issues.

4.5 The NFU tried again to hold a meeting with Bruton Knowles and an email was sent on 5th April 2017 there was no direct reply from Bruton Knowles but contact was made direct from Network Rail on 13 April 2017 requesting information on the individual member queries. A copy of the NFU response was sent to Jonathan Boulton at Network Rail and the NFU was informed that we would receive a response. This as yet has not been received but a further meeting has been requested by Network Rail to discuss our member queries which only came through on 14 June 2017.

4.6 The NFU believes strongly that Network Rail and the agents acting on their behalf have not been constructively engaging with landowners and farmers affected by the proposed level crossings or the NFU representing our affected members. Please see some of the emails from the NFU sent to Bruton Knowles and Network Rail at Appendix 3.

5.0 Existing use of the Crossings and the effect of the proposals

5.1 Details below are highlighted for individual NFU farming members who are directly affected by the proposed order to close specific level crossings in Essex:

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Manasseh & Roberts, Thorpe Park Farm, - Crossing E47 - Bluehouse

Present Use

The crossing is presently used as a public footpath level crossing and the user decides if it is safe to cross.

The Proposal

The proposal by NR is to close the level crossing to all users and divert the footpath.

The proposal is to divert users using the crossing to Pork Lane level crossing and this would be accessed from the south by using the existing road and from the north a new 2m footpath would have to be created across agricultural fields adjacent to the railway line to connect an existing footpath from Bluehouse to Pork Lane. There is a proposal to erect a fence on the field side of the footpath and this to be maintained by a third party.

At the present time the existing footpath connects the B1033 to Pork Lane.

The Issue

The proposal will create a new footpath 2m wide on private agricultural land alongside the field boundary to the railway line. The field in question is owned by Mr and Mrs Roberts and forms part of Thorpe Park Farm which is a dairy holding. All of the land is in a rotation of wheat, maize and temporary grass. Multiple forage crops can be taken from the field. The footpath will create a bio security risk to the dairy herd due to neospora carried in dog faeces which could be picked up by the cows when grazing the field or from when grass is cut and silage made. Neospora causes abortion in cows.

The information provided by Network rail highlights that when the survey was carried out of the crossing in June/July 2016 which was a three day census over a weekend and a Monday that no pedestrian was recorded using the footpath. These figures do not warrant creating a new footpath on land in arable and forage production.

The Roberts also believe that there is a safety issue with pedestrians accessing Pork Lane from the proposed footpath on the north side of the Pork Lane Crossing as there is a blind bend on the lane to the north of the crossing. Please see the photograph at Appendix 4. The lane is now a ‘rat run’ for traffic commuting. It is felt that the pedestrians using the new proposed footpath would be at far greater risk when exiting on to Pork Lane than using the footpath which crosses Blue house crossing.

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There has been no consultation in regard to the proposed fence which has been highlighted to be erected to the north of the proposed footpath on the NR plan dated March 2017. It is stated that it will be maintained by a third party, who is the third party?

Solution

Mr and Mrs Roberts see that there are no safety reasons to close the crossing at Bluehouse level crossing and it should remain as a stop, look, and listen public footpath crossing. There is very good visibility in both directions at the crossing. The need to create a new footpath 2m wide across agricultural land taking land out of production has not been proved. The existing footpath does not form part of a local network as it simply runs from the north on the B1033 Kirby Cross road to Pork Lane to the south west of the railway line. There is no need for a new footpath to be created as any pedestrian walking on Pork Lane can cross the railway line at Pork Lane crossing, continue north on Pork Lane until it meets the B1033.

Please see the NR plans A and B at Appendix 4.

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Audley End Estate, Brunckettts – Crossing E13 Littlebury Gate House

Crossing E12 Wallis's

Crossing E12 Wallis's

Present Use

The crossing is presently used as a private footpath crossing.

The Proposal

The proposal by NR is to close the level crossing to private users and for private users to use private tracks on the Estate running north on to Chestnut Avenue which passes under the railway line. The alternative is for private users to use existing private tracks which run south from the crossing to an existing overbridge.

NR has highlighted to close this level crossing due to the high number of trains which run this line.

The Issues

The proposal submitted with the Order is for private users to use existing private tracks which run north and lead on to Chestnut Avenue, for private users to then walk along the road and go under the railway line. Chestnut Avenue is a very busy road and is used locally to gain access on to the M11 which is approximately 500m to the west of the railway line. There has just been a fatal road vehicle accident on the weekend of 1st/2nd July 2017 at the location of the overbridge.

The private user crossing provides access to estate staff or contactors working on the estate to gain access to land and woodland on either side of the railway line. The private crossing is used frequently during the game shooting season by the beaters as this crossing is located in the middle of a wood which is one of the signature drives on the Estate for the shoot. The Estate runs approximately 20 to 30 shoot days a year with the drive in this wood being used about 6 to 8 times a year. If the beaters cannot pass through the wood by using the private crossing at Wallis's it seriously compromises the drive. This will lead to a financial cost to the Estate as the loss of this drive to the shoot will be in the region of £1000 per shoot day and approximately £6000 to £8000 a year.

Further the private crossing is used by the Estate to undertake general management of the woodland including safety audit of the trees, forestry operations and deer control. The closing of the crossing would again have a further financial impact on the Estate.

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Solution

It is likely that this private crossing was first provided over the railway line as an accommodation work when the railway line was first built. If NR now believe that it is not safe to use this crossing then a new crossing must be provided and not just the proposal of diverting people to cross the railway line at the nearest road crossing which is not safe. A new footbridge at the crossing will need to be provided for private users or for the private use of the crossing to remain open to registered private users which have a key to access the gate.

Please NR plans A and B at Appendix 5.

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E Camp & Son **Crossings - E02 Camps (Harlow District Parish)**

Present Use

It is a public footpath level crossing with whistle boards between 7am and 11pm.

The Proposal

The proposal is to close the level crossing as a public footpath but for private vehicle rights to be retained. The footpath users are to be diverted to use Saddlers Crossing using an existing footpath and to also use Wildes Crossing by creating a new footpath across private agricultural land to connect to an existing right of way which already leads to Wildes Crossing. The new footpath to be created is 2m wide and is a proposed length of 715m. The new footpath proposed will create a new link on the south side of the railway line which does not exist at the present time by linking footpath 185/78 and 185 /122. It will further create a circular route.

The Issue

The latest proposal on the plan dated March 2017 submitted with the Order has highlighted a proposal to create a new 2m wide footpath to run along the southern boundary of the farm through three fields which are entered into a Higher Level Environmental scheme(HLS). Due to the land being in and HLS scheme which forms part of a ten year agreement with natural England it is not acceptable to create a new public right of way through these fields in question.

Further the proposed new footpath would cross the farm drive which also is the main access to a concrete re-cycling plant. There can be up to 70 lorry vehicle movements a day and this does not include farm traffic. The proposed new footpath would create a safety risk to pedestrians which is not necessary.

Also this new proposal to create the footpath in this location is going beyond diverting a footpath which is closed over Camps crossing to connect an existing footpath from the south to the north of the railway line. The new proposal is actually enhancing the footpath network and creating a loop enabling walkers to be able to walk a new circular route which at the present time does not exist. This is not necessary and any proposal taken forward should just connect footpath EX185/74 and EX185/73 from the south of the railway line to the north of the railway line. To create a connection to footpath EX/203/44 is over and beyond powers that should be granted to divert the footpath that is to be closed.

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The Solution

It is stated on plan B at Appendix 6 which was submitted with the Order dated March 2017 that the existing footpath EX/185/74 will remain open and act as part of the diversion for any users of the original footpath EX/185/75. This will connect footpath users from the southern to the northern side of the railway line, therefore there is no need to be creating the new footpath as proposed along the southern boundary of the farm which goes beyond diverting a footpath to creating new circular route which is not necessary.

Further the Camps are willing for a new footpath to be created on the eastern boundary of the farm which would connect EX/185/73 and EX/185/122 by running north across private land to the existing underpass to go under the railway line and then run directly north to an existing right of way which connects to footpaths EX/185/181 and EX/185/72. This proposal has previously been raised to the agents acting for NR, Hamer Associates and Bruton Knowles. This proposal would enable the extinguishment of rights across Sadlers crossing as first proposed which is a dangerous crossing and also extinguish the rights of an intrusive footpath which presently goes through the farm steading, Roydon Lea Farm.

Please see NR plans at Appendix 6.

Communication

The Camps are not at all satisfied by the communication and consultation carried out by NR and their agents. Both agents acting for NR, Hamer Associates and Bruton Knowlees have carried out site visits on the farm and notes were taken. The official response dismissed the proposals suggested by the Camps and the Camps believe that the reasons NR have stated are banal and ignored the facts. It is felt that the consultation carried out NR is anything but and that NR have only considered their own ideas.

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C, N and R Hutley, Home Farm,Ramsey - Crossing E48 Wheatsheaf (Wrabness Parish)

Present Use

This crossing is a public footpath level crossing only.

The Proposal

The proposal is to close the level crossing to all users and divert the footpath so that the public can cross the railway line at an existing road bridge on Church Road which lies to the east. Further there is a proposal to create a new 2m wide footpath to run along field boundaries to the north side of the railway line to link Church Road and footpath EX/184/19.

The Issue

The proposal to create a new footpath 2m wide to connect the existing right of way from Church Road running west to EX/184/229 is not necessary as this is actually creating a new circular route to the north of the railway line and not actually connecting a footpath from the south of the railway line to the north of the railway line. NR should not be granted powers to create and enhance the public rights of way in this area. Powers should only be given to allow NR to divert the existing footpath which is possible without creating a new 2m footpath across agricultural land.

The new footpath would be created over agricultural land and this field in question already has open access to equestrian users which is used on a regular basis. It is not compatible to have a field margin being used by horses and to create a public footpath over the same margin. This open access to equestrian users is enabling riders to keep off Church Road and Wheatsheaf Lane.

Both Church Road and Wheatsheaf Lane are used regularly by recreational walkers and it could easily be said more so than the existing footpath which is proposed to be closed.

Further the owners of the field have been trying to find out information in regard to the exact location of the new proposed footpath as it is apparent from the plan that the footpath could be created 5m in from the filed boundary which is not acceptable. There has been no explanation for this forthcoming from NR or their agents.

The Solution

There is already an existing right of way which can be used for the footpath to be diverted along. This route is highlighted in orange on the plan dated August 2016 and would take people using the right of way along Station Road which leads to the existing bridge over the railway line and runs into Church Road on the north side of the railway line.

Please see the plans A and B at Appendix 7.

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Communication and Consultation

There has been very limited communication from Bruton Knowles with the Hutleys who own the land to the north side of the railway line. The Hutleys only found out about the proposals for closing the crossing and diverting the footpath due to finding a notice on the fence of the field.

No attempt had been made by NR or their agents to contact the Hutleys and serve a notice on them direct as the owners of the field which will be affected by the proposed new footpath. The Hutleys were first contacted on the 17th January 2017 by Ardent and it was stated ' It has become apparent that you are in possession of a land interest which may be affected by NR proposals.' The Hutleys did respond to this to state that they were the owners of the land in question.

This was followed by Bruton Knowles contacting the Hutleys on 13 February 2017and requesting further confirmation of ownership which the Hutleys duly provided. No further contact was made and the Hutleys only new about the Order when notices were found posted on the land subject to the application.

The Hutleys again contacted Bruton Knowles direct and received a formal notice in regard to the Order on 5 May 2017. This was only 5 days before the deadline for objections to the Secretary of State.

In this case NR have not carried out any consultation with the affected landowners prior to submitting the Order and further did not give the owners the requisite period of time to submit an objection to the Secretary of State.

The NFU strongly asks the Secretary of State not to grant compulsory powers to carry out the closure of this crossing or to divert or create the new footpath as proposed until Network Rail has engaged and carried out meaningful negotiation with landowners, the Hutleys.

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6. Conclusion

6.1 The NFU at the present time objects strongly to Network Rail being granted compulsory powers to carry out any closures of crossings or to be able to divert or create any new footpaths or bridleways until Network Rail has engaged and carried out meaningful negotiation with landowners, farmers and NFU.

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Appendix 1

Anglia Level Crossing Proposals - Essex and Others

Final List

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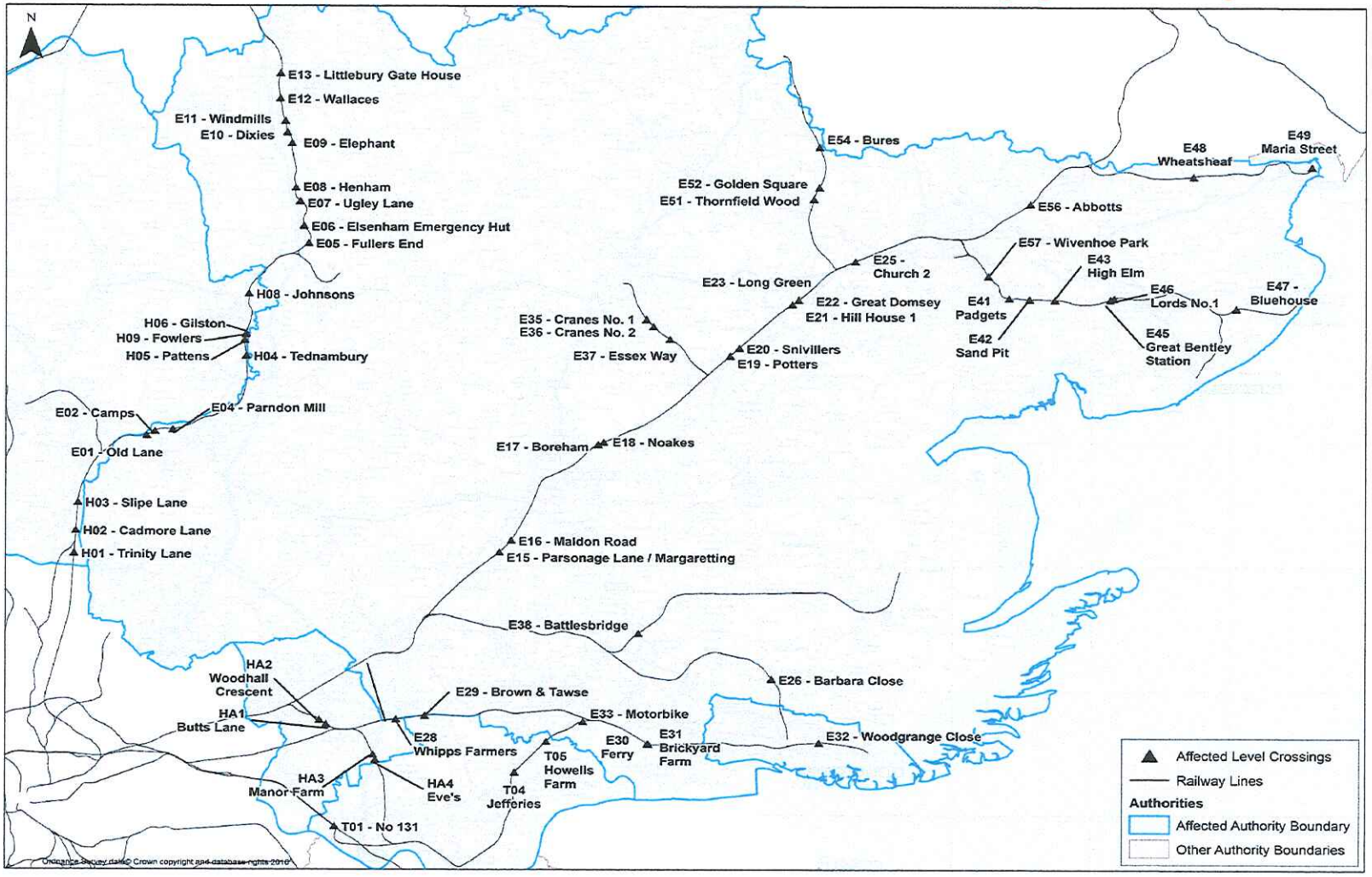
NFU supported by NFU Mutual

Anglia Level Crossing Proposals – Essex & Others Final List

(Essex, Hertfordshire, Havering, Thurrock & Southend-on-Sea)

Level Crossing Locations Map and Table

The crossings marked in red in the list below have been removed from the project and will not be progressed at this stage



Colchester Venue Level Crossings

Level Crossing Reference & Name	Post Code	GoogleMaps Link	Reason for removal
E41 - Padget	CO7 8 AJ	E41 - Padget (GoogleMaps)	
E42 - Sand Pit	CO7 8AJ	E42 - Sand Pit (GoogleMaps)	
E43 - High Elm	CO7 8AD	E43 - High Elm (GoogleMaps)	
E44 - Frating Abbey	CO7 7HJ	E44 - Frating Abbey (GoogleMaps)	Diversionary route too long
E45 - Great Bentley Station	CO13 0EP	E45 - Great Bentley Station (GoogleMaps)	
E46 - Lords No.1	CO7 8NX	E46 - Lords No.1 (GoogleMaps)	
E47 - Bluehouse	CO13 0EP	E47 - Bluehouse (GoogleMaps)	
E48 - Wheatsheaf	CO11 2TQ	E48 - Wheatsheaf (GoogleMaps)	
E49 - Maria Street	CO13 0EP	E49 - Maria Street (GoogleMaps)	
E51 - Thornfield Wood	CO6 2AU	E51 - Thornfield Wood (GoogleMaps)	
E52 - Golden Square	CO6 2AR	E52 - Golden Square (GoogleMaps)	
E53 - Josselyns	CO8 5AT	E53 - Josselyns (GoogleMaps)	
E54 - Bures	CO8 5DF	E54 - Bures (GoogleMaps)	
E55 - Lamarsh Kings Farm	CO8 5EP	E55 - Lamarsh Kings Farm (GoogleMaps)	Removed due to concerns over flooding
E56 - Abbotts	C07 7RS	E56 - Abbotts (GoogleMaps)	
E57 - Wivenhoe Park	CO7 9HU	E57 - Wivenhoe Park (GoogleMaps)	

Bishop's Stortford Venue Level Crossings

Level Crossing Reference & Name	Post Code	GoogleMaps Link	
E01 - Old Lane	CM19 5DS	E01 - Old Lane (GoogleMaps)	
E02 - Camps	CM19 5DY	E02 - Camps (GoogleMaps)	
E03 - Sadlers	CM19 5DY	E03 - Sadlers (GoogleMaps)	Removed due to concerns over flooding
E04 - Parndon Mill	CM20 2HR	E04 - Parndon Mill (GoogleMaps)	
H01 - Trinity Lane	EN8 7EP	H01 - Trinity Lane (GoogleMaps)	
H02 - Cadmore Lane	EN8 9SA	H02 - Cadmore Lane (GoogleMaps)	
H03 - Slipe Lane	EN10 6HN	H03 - Slipe Lane (GoogleMaps)	
H04 - Tednambury	CM23 4BD	H04 - Tednambury (GoogleMaps)	
H05 - Pattens	CM23 4AT	H05 - Pattens (GoogleMaps)	
H06 - Gilston	CM23 4AS	H06 - Gilston (GoogleMaps)	
H07 - Twyford Road	CM23 3YT	H07 - Twyford Road (GoogleMaps)	Removed due to length of proposed diversionary route
H08 - Johnsons	CM23 2AH	H08 - Johnsons (GoogleMaps)	
H09 - Fowlers	CM23 4AS	H09 - Fowlers (GoogleMaps)	

Newport Venue Level Crossings

Level Crossing Reference & Name	Post Code	GoogleMaps Link	Reason for removal
E05 - Fullers End	CM22 6EB	E05 - Fullers End (GoogleMaps)	

E06 - Elsenham Emergency Hut	CM22 6JL	E06 - Elsenham Emergency Hut (GoogleMaps)	
E07 - Ugley Lane	CM22 6JD	E07 - Ugley Lane (GoogleMaps)	
E08 - Henham	CB11 3XP	E08 - Henham (GoogleMaps)	
E09 - Elephant	CB11 3PE	E09 - Elephant (GoogleMaps)	
E10 - Dixies	CB11 3TP	E10 - Dixies (GoogleMaps)	
E11 - Windmills	CM11 4JR	E11 - Windmills (GoogleMaps)	
E12 - Wallaces	CO11 4JH	E12 - Wallaces (GoogleMaps)	
E13 - Littlebury Gate House	CO11 4TX	E13 - Littlebury Gate House (GoogleMaps)	

Upminster Venue Level Crossings

Level Crossing Reference & Name	Post Code	GoogleMaps Link	Reason for removal
E27 - Puddle Dock	RM14 3NX	E27 - Puddle Dock (GoogleMaps)	Diversionary route too long
E28 - Whipps Farmers	RM14 3PJ	E28 - Whipps Farmers (GoogleMaps)	
E29 - Brown & Tawse	CM13 3HG	E29 - Brown & Tawse (GoogleMaps)	
HA1 - Butts Lane	RM11 3NA	HA1 - Butts Lane (GoogleMaps)	
HA2 - Woodhall Crescent	RM11 3ST	HA2 - Woodhall Crescent (GoogleMaps)	
HA3 - Manor Farm	RM14 2TZ	HA3 - Manor Farm (GoogleMaps)	
HA4 - Eve's	RM14 2XH	HA4 - Eve's (GoogleMaps)	

Thurrock Venue Level Crossings

Level Crossing Reference & Name	Post Code	GoogleMaps Link Digit)	Reason for removal
T01 - No 131	RM19 1SX	T01 - No 131 (GoogleMaps)	
T04 - Jefferies	SS17 8BA	T04 - Jefferies (GoogleMaps)	
T05 - Howells Farm	SS17 9EY	T05 - Howells Farm (GoogleMaps)	

Wickford Venue Level Crossings

Level Crossing Reference & Name	Post Code	GoogleMaps Link	Reason for removal
E15 - Parsonage Lane / Margaretting	CM4 9JJ	E15 - Parsonage Lane / Margaretting (GoogleMaps)	
E16 - Maldon Road	CM4 9JS	E16 - Maldon Road (GoogleMaps)	
E26 - Barbara Close	SS4 1NQ	E26 - Barbara Close (GoogleMaps)	
E30 - Ferry	SS7 1NR	E30 - Ferry (GoogleMaps)	
E31 - Brickyard Farm	SS8 0QT	E31 - Brickyard Farm (GoogleMaps)	
E32 - Woodgrange Close	SS1 3EA	E32 - Woodgrange Close (GoogleMaps)	
E33 - Motorbike	SS16 4XJ	E33 - Motorbike (GoogleMaps)	
E38 - Battlesbridge	SS11 7RL	E38 - Battlesbridge (GoogleMaps)	
E40 - Creaksea Place 1	CM0 8PJ	E40 - Creaksea Place 1 (GoogleMaps)	Ecological issues on the diversionary route.

Witham Venue Level Crossings

Level Crossing Reference & Name	Post Code	GoogleMaps Link	Reason for removal

E17 - Boreham	CM3 3HH	E17 - Boreham (GoogleMaps)	
E18 - Noakes	CM3 3HH	E18 - Noakes (GoogleMaps)	
E19 - Potters	CM8 3HR	E19 - Potters (GoogleMaps)	
E20 - Snivillers	CO5 9AY	E20 - Snivillers (GoogleMaps)	
E21 - Hill House 1	CO5 9EN	E21 - Hill House 1 (GoogleMaps)	
E22 - Great Domsey	CO5 9EP	E22 - Great Domsey (GoogleMaps)	
E23 - Long Green	CO6 1XP	E23 - Long Green (GoogleMaps)	
E24 - Church 1	CO6 1LE	E24 - Church 1 (GoogleMaps)	Closed by existing Rail Crossing Extinguishment Order
E25 - Church 2	CO3 8NE	E25 - Church 2 (GoogleMaps)	
E35 - Cranes No. 1	CM77 8NU	E35 - Cranes No. 1 (GoogleMaps)	
E36 - Cranes No. 2	CM8 1RN	E36 - Cranes No. 2 (GoogleMaps)	
E37 - Essex Way	CM77 8PD	E37 - Essex Way (GoogleMaps)	

Appendix 2

NFU Responses to all consultations

Although every effort has been made to ensure accuracy, neither the NFU nor the author can accept liability for errors and or omissions. © NFU

NFU supported by NFU Mutual

NFU Consultation Response

To: NetworkRail *via email*

Date: 13 July 2016
Ref:
Contact: Adam Scott
Tel: 01787 329 761
Fax:
Email: Adam.scott@nfu.org.uk

The National Farmers Union (NFU) represents 55,000 farm businesses in England and Wales involving an estimated 155,000 farmers, managers and partners in the business.

Network Rail Anglia Level Crossing proposals

The NFU welcomes the opportunity to submit comments regarding Network Rail's consultation to explore options to close or change the use of 130 crossing across Cambridgeshire, Suffolk and Essex. Our members and their businesses will be directly affected by this scheme and our response reflects their concerns.

Consultation with landowners and farmers
We note the publication of the Transport and Works Act Order process and acknowledge that this is the first stage in the formal consultation process.

We recognise that farmers and landowners have had the opportunity to attend public consultation exhibitions to explain the proposal for each crossing. We understand that where it has been possible to identify the relevant landowner, Network Rail or their appointed representative, has made or is in the process of, making contact with the landowners on an individual basis.

The NFU has met with representatives of Hamer Associates regarding the proposals and we ask that dialogue between all parties continues.

Access to farm land
Our members' primary concern is access to their farmland on a timely basis, by their staff or appointed contractors, for agricultural and horticultural operations and to transport harvested produce. Where livestock is grazed, access to land is required for husbandry purposes and this will be on a daily basis.

Land in the East Anglia region is highly productive growing a variety of crops. Principle cropping in Essex is combinable crops with wheat occupying the largest area. More intensive cropping also occurs including potatoes, vegetables, sugar beet and other horticultural crops. Frequency of access to land varies according to the crop being grown and some land is subject to multi cropping and grows more than one crop per year. Agricultural and horticultural operations are weather related so access requirements vary accordingly. Harvesting of crops can also be depended on supplier requirements so changes in supermarket demands can influence field operations and access requirements to land.

Vehicular access by farm traffic including tractors and large machinery including sprayers, potato harvesters, combine harvesters and sugar beet harvesters, must not be compromised. Access by HGVs to crop stores (either barns or temporary storage pads) is required and proposals must accommodate this. Providing suitable access routes for agricultural and horticultural traffic, may help reduce unnecessary congestion for the public on local roads.

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User operated private crossings have been a feature of the national rail network since its inception. When the reason for closure is related to the economic gain of the rail operator, it is unacceptable to be able to hold landowners to ransom by installing powers to compulsorily close a right of way without providing an alternative access. Where other reasons are behind the move to close a crossing then other options to improve the position should be explored and discussed with landowners.

Where there is a change or restriction of access to a crossing, it is essential that clarity is given as to where liabilities and responsibilities lie.

Future works
We appreciate options proposed to mitigate for some closures could involve re-routing public rights of way and also potential construction works. Mitigation, such as compensation for the loss of land, will need to include a package of accommodation works. The schedule of works for the new works will have to take into consideration the agricultural working year and ensure full access to land for agricultural operations at all times, unless agreed in advance with the landowner or farmer. An agricultural liaison officer will need to be appointed during the period of the works, with direct contact details supplied to all affected landowners and farmers.

Professional fees
We would fully expect Network Rail to cover any professional or legal fees incurred by farmers affected by the consultation.

Points on specific crossings:
The NFU has attended a number of the consultations roadshows in Essex but not all. Similarly it has spoken to a number of landowners affected but again not all. Our response is therefore a generic overview of the concerns that our Members have raised. Individual crossings each raise a number of individual concerns and it is expected these will be address directly with the landowners (or their representatives) concerned.

In conclusion, we request communication between farmers and landowners (plus their representatives) and Network Rail (plus their representatives) continues.

Adam Scott

Adam Scott
NFU County Adviser Essex

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NFU Consultation Response

To: NetworkRail *via email*

Date: 13 October 2016
Ref:
Contact: Hannah Padfield
Tel: 01638 672100
Fax:
Email: Hannah.padfield@nfu.org.uk

The National Farmers Union (NFU) represents 55,000 farm businesses in England and Wales involving an estimated 155,000 farmers, managers and partners in the business.

Network Rail Anglia Level Crossing proposals

The NFU welcomes the opportunity to submit comments regarding Network Rail's consultation to explore options to close or change the use of 130 level crossings (crossings) across Cambridgeshire, Suffolk and Essex. Our members and their businesses will be directly affected by this scheme and our response reflects their concerns.

Purpose of the scheme and consultation
The rationale for Network Rail's proposals is not clear. The NFU is concerned, on behalf of its members, that maintenance costs and convenience for Network Rail are the real drivers rather than safety for users, along with moving liabilities to the landowner. In addition to this, once a crossing is closed, in reality it is unlikely to be re-opened thus future opportunities for land use, development and neighbouring property may be restricted.

Consultation process
We note the publication of the Transport and Works Act Order process and acknowledge that this is the second stage in the formal consultation process.

We recognise that farmers and landowners have had the opportunity to attend a further round of public consultation exhibitions to explain the revised proposal for each crossing. We understand that where it has been possible to identify the relevant landowner, Network Rail or their appointed representative, has made or is in the process of, making contact with the landowners on an individual basis.

The two stages of the consultation process have been in short succession between June and October, which coincides with the busiest time in the farming year. As a result, there has been a reduced window for discussion with Network Rail for affected parties to take professional advice.

The proposal for each crossing was published on the day of the relevant consultation event, thus leaving no opportunity for advance consideration or discussion with advisers. In some cases the proposal was not published on the day of the event, thus face to face communication at the relevant consultation event was not feasible.

In some cases, the usage figures stated on the proposal for each crossing are questionable. Our members have used these crossings with agricultural vehicles more times than stated.

Access to farm land
Our members' primary concern is access to their farmland on a safe and timely basis, by their staff or appointed contractors, for agricultural and horticultural operations, and to transport harvested produce. Where livestock is grazed, access to land is required for husbandry purposes.

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Land in the Anglia region is highly productive growing a variety of crops on rotation, including salad, vegetables, sugar beet and combinable crops. Frequency of access to land varies according to the crop being grown, and some land is subject to multi cropping and grows more than one crop per year. Agricultural and horticultural operations are weather related so access requirements vary accordingly. Harvesting of crops can also be dependent on supplier requirements, so changes in supermarket demands can influence field operations and access requirements to land.

Vehicular access by farm traffic, including tractors and large machinery (for example sprayers, potato harvesters, combine harvesters and sugar beet harvesters), must not be compromised. Access by HGVs to sugar beet pads is required and proposals must accommodate this. Providing suitable access routes for agricultural and horticultural traffic may help reduce unnecessary congestion for the public on local roads. Where crossings are being downgraded from a public crossing to a private user crossing, access by agricultural machinery must be permissible. Access from fields onto the highway must not be compromised neither should turning circles for agricultural vehicles.

User operated private crossings have been a feature of the national rail network since its inception. When the reason for closure is related to the economic gain of the rail operator, it is unacceptable to compulsorily close a right of way without providing an alternative access.

Safety
Numerous accidents have occurred across the Anglia region in recent years, costing Network Rail considerable sums in fines. Effective safety features are required at crossings to reduce accidents, and Network Rail should not presume closing crossings is the only option. A range of safety features are available including lights, automatic barriers, improved train GPS, improved gate configurations and permanent structures such as foot and vehicular bridges. Tractors can be fitted with GPS technology with accuracy down to 2cm so there are options for Network Rail to consider. Network Rail has been resistant, at this stage, to considering solutions suggested by users.

Private user rights
The registration process for private user rights has not been made clear to landowners. Neither are potential applicants aware of the legal responsibilities attached to these rights or the implications if there should be an accident in the future.

Where private user crossings are being removed and rights are lost, the application process for compensation and rates is not made clear to affected parties.

Compensation for the loss of property
Compensation for the loss of property has not been confirmed, and where some preliminary discussions have taken place, there is an indication that the methodology is subjective with the onus on the landowner to prove loss of income.

Economic implications for business interruption and loss of business, both in the short and long term, need to be considered.

Rights of way
Where alternative rights of way are proposed, it is essential that any of the concerns about the potential impacts of new routes are taken into account. Landowners must be adequately compensated for new rights of way, particularly considering that once a right of way has been created it can be difficult to get them diverted or extinguished, and also because a footpath may require changes to land management and have an impact on land value. If furniture (such as gates etc.) is required for new rights of way, a discussion must take place with the farmer to ensure that their farming needs are accounted for, and that the furniture is a necessity for the route.

A number of the proposals would re-route paths across land currently used for grazing livestock, including pedigree bulls in one case. This is clearly undesirable. An additional issue is that of livestock

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diseases, such as neosporosis, that are transmitted by dog faeces and these impacts must be taken seriously by Network Rail.

Crime
In a small number of cases, the closure of a crossing and the removal of a private user crossing will create a dead end. In these situations, our members are concerned about the implications for crime including fly tipping.

Professional fees
We would hope that Network Rail will cover any professional or legal fees incurred by farmers affected by the consultation.

Future works
The schedule of works for the construction will have to take into consideration the agricultural working year, and ensure full access to land for agricultural operations at all times, unless agreed in advance with the landowner or farmer. An agricultural liaison officer will need to be appointed during the period of the works, with direct contact details supplied to all affected landowners and farmers.

The effect of dust from construction work will need to be considered. Mitigation will need to be provided to prevent damage to crops.

Conclusion
In conclusion, we request that communication between farmers/landowners and Network Rail (plus all respective representatives) continues, with satisfactory proposals determined before the TWO is applied for.

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NFU Consultation Response

To: NetworkRail *via email*

Date: 5 January 2017
Ref:
Contact: Hannah Padfield
Tel: 01638 672100
Fax:
Email: Hannah.padfield@nfu.org.uk

The National Farmers Union (NFU) represents 55,000 farm businesses in England and Wales involving an estimated 155,000 farmers, managers and partners in the business.

Network Rail Anglia Level Crossing proposals

The NFU welcomes the opportunity to submit comments regarding Network Rail's consultation to explore options to close or change the use of 130 level crossings (crossings) across Cambridgeshire, Suffolk and Essex. Our members and their businesses will be directly affected by this scheme and our response reflects the factors that will need to be considered.

Purpose of the scheme and consultation
The rationale for Network Rail's proposals is not clear. The NFU is concerned, on behalf of its members, that maintenance costs and convenience for Network Rail are the real drivers rather than safety for users, along with moving liabilities to the landowner. In addition to this, once a crossing is closed, in reality it is unlikely to be re-opened thus future opportunities for land use, development and neighbouring property may be restricted.

Consultation process
We note the publication of the Transport and Works Act Order process and acknowledge this includes a number of opportunities for formal consultation. We are mindful that Section 118 and Section 119 of the Highways Act could also be used to close the level crossing(s) in question.

We recognise that farmers and landowners have had the opportunity to attend two rounds of public consultation exhibitions to explain the revised proposal for each crossing. We understand that where it has been possible to identify the relevant landowner, Network Rail or their appointed representative, has made, or is in the process of making, contact with the landowners on an individual basis.

Network Rail's decision to change agent in December 2016 led to a number of on-farm meetings being conducted in Cambridgeshire. Whilst the opportunity for discussion is welcome, it is noted that this is a repeat of the previous meetings with little or no progress being made.

The NFU and its members have identified revised proposals for crossings published online in December 2016 with little or no notification given to affected parties by Network Rail.

The usage figures stated on the proposal for each crossing are questionable. Our members have used these crossings with agricultural vehicles more times than stated.

Access to farm land
Our members' primary concern is access to their farmland on a safe and timely basis, by their staff or appointed contractors, for agricultural and horticultural operations, and to transport harvested produce. Where livestock is grazed, access to land is required for husbandry purposes.

Land in the Anglia region is highly productive growing a variety of crops on rotation, including salad, vegetables, sugar beet and combinable crops. Frequency of access to land varies according to the crop

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being grown, and some land is subject to multi cropping and grows more than one crop per year. Agricultural and horticultural operations are weather related so access requirements vary accordingly. Harvesting of crops can also be dependent on supplier requirements, so changes in supermarket demands can influence field operations and access requirements to land.

Vehicular access by farm traffic, including tractors and large machinery (for example sprayers, potato harvesters, combine harvesters and sugar beet harvesters), must not be compromised. Access by HGVs to sugar beet pads is required and proposals must accommodate this. Providing suitable access routes for agricultural and horticultural traffic may help reduce unnecessary congestion for the public on local roads. Where crossings are being downgraded from a public crossing to a private user crossing, access by agricultural machinery must be permissible. Access from fields onto the highway must not be compromised, neither should turning circles for agricultural vehicles.

User operated private crossings have been a feature of the national rail network since its inception. When the reason for closure is related to the economic gain of the rail operator, it is unacceptable to compulsorily close a right of way without providing an alternative access.

Safety
Numerous accidents have occurred across the Anglia region in recent years, costing Network Rail considerable sums in fines. Effective safety features are required at crossings to reduce accidents, and Network Rail should not presume closing crossings is the only option. A range of safety features are available including lights, automatic barriers, improved train GPS, improved gate configurations and permanent structures such as foot and vehicular bridges. Tractors can be fitted with GPS technology with accuracy down to 2cm so there are options for Network Rail to consider. Network Rail has been resistant, at this stage, to considering solutions suggested by users.

Private user rights
The registration process for private user rights has not been made clear to landowners. Neither are potential applicants aware of the legal responsibilities attached to these rights or the implications if there should be an accident in the future.

Where private user crossings are being removed and rights are lost, the application process for compensation and rates is not made clear to affected parties.

Compensation for the loss of property
Compensation for the loss of property has not been confirmed, and where some preliminary discussions have taken place, there is an indication that the methodology is subjective with the onus on the landowner to prove loss of income.

Economic implications for business interruption and loss of business, both in the short and long term, need to be considered.

Rights of way
Where alternative rights of way are proposed, it is essential that any of the concerns about the potential impacts of new routes are taken into account. Landowners must be adequately compensated for new rights of way, particularly considering that once a right of way has been created it can be difficult to get them diverted or extinguished, and also because a footpath may require changes to land management and have an impact on land value. If furniture (such as gates etc.) is required for new rights of way, a discussion must take place with the farmer to ensure that their farming needs are accounted for, and that the furniture is a necessity for the route. In addition, it would need to be made clear where responsibility lies for the maintenance of any new rights of way and/or furniture.

A number of the proposals would re-route paths across land currently used for grazing livestock, including pedigree bulls in one case. This is clearly undesirable. An additional issue is that of livestock

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diseases, such as neosporosis, that are transmitted by dog faeces and these impacts must be taken seriously by Network Rail.

The NFU also draws Network Rail's attention to Section 5(6) of the TWA which states: "An order under section 1 or 3 above shall not extinguish any public right of way over land unless the Secretary of State is satisfied, (a) that an alternative right of way has been or will be provided, or (b) that the provision of an alternative right of way is not required." We question whether this provision has been properly considered as part of the current proposals.

It is also worth noting that there may be an increase in the number of historic rights of way applications during the scheme due to the anticipated implementation of the relevant provisions of the Deregulation Act 2015.

Crime
In a small number of cases, the closure of a crossing and the removal of a private user crossing will create a dead end. In these situations, our members are concerned about the implications for crime including fly tipping.

Professional fees
We would hope that Network Rail will cover any professional or legal fees incurred by farmers affected by the proposals.

Future works
The schedule of works for the construction will have to take into consideration the agricultural working year, and ensure full access to land for agricultural operations at all times, unless agreed in advance with the landowner or farmer. An agricultural liaison officer will need to be appointed during the period of the works, with direct contact details supplied to all affected landowners and farmers.

The effect of dust from construction work will need to be considered. Mitigation will need to be provided to prevent damage to crops.

Conclusion
In conclusion, we request that communication between farmers/landowners and Network Rail (plus all respective representatives) continues, with satisfactory proposals determined before the TWO is applied for.

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NFU Consultation Response

To: transportandworksact@dft.gsi.gov.uk.

Circulation: Essex Group Secretaries

Date: 05 May 2017

Ref: Network Rail Level Crossing Closures

Contact: NFU HQ

Martin Rogers/ Louise Staples

Tel: 024 7685 8645

Martin.rogers@nfu.org.uk

Contract NFU Essex

Adam Scott 01787 329 761

Adam.scott@nfu.org.uk

Network Rail level-crossing closure Orders.

Introduction:

The NFU represents 47,000 farm businesses in England and Wales. We welcome the opportunity to respond to the proposed orders submitted by Network Rail under the Transports and Works Act 1992 to remove or downgrade 130 level crossings across Cambridgeshire, Suffolk and Essex. This response is submitted in addition to responses provided by individual affected landowners. We have an interest in proposals to close or downgrade level crossings at a regional and national level due to the potential for the process to subsequently be used in other parts of the country; therefore this response aims to highlight concerns raised by multiple farm businesses.

The closure or downgrading of level crossings will have differing impacts on agricultural businesses depending upon farm type and size, and the specifics of the proposed closures, but our primary concerns are fourfold:

- Closure of level crossings will compromise access to agricultural land by farm businesses, their employees and contractors. This concern is brought in part by a lack of clarity and transparency on the impact of these changes on private access. Does a level crossing closure mean no further private rights of access for both vehicles and pedestrians?
- The economic impact to farm businesses, caused by the proposed closures to the crossings, has currently been completely underestimated.
- There are proposals to considerably increase the length of the rights of way network running across agricultural land through the creation, diversion or extinguishment of rights of way. Again an economic impact to agricultural holdings.
- Once a crossing is closed, it is unlikely to be re-opened thus restricting future opportunities for land use and development.

The NFU also has serious concerns regarding the consultation and engagement process up until this point. The NFU recognises that Network Rail have conducted previous consultation stages in this process but we have concerns that the views of landowners and other interested parties expressed during these stages have not been taken into consideration in the proposed Orders submitted. There are also a number of Landowners affected by closures or path re-routing that have not been contacted directly.

The NFU would welcome confirmation on the type and scale of alterations to the proposals which Network Rail have made as a result of the earlier consultation stages in this process.

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Conclusions to previous consultation stages of this process have requested that "*communication between farmers/landowners and Network Rail (plus all respective representatives) continues, with satisfactory proposals determined before the TWO is applied for.*" Unfortunately we do not believe that this justified request has been met and many outstanding concerns and uncertainties remain in this process.

NFU Ask:
The NFU recognises Network Rail's aims to improve safety on the network and increase the quality of service provided to its customers through a higher-speed rail network. However, the NFU's preferred option is:

- For other solutions to be considered before the closure or downgrading of level crossings which we believe have not been fully considered up until this point. This includes the use of lights, barriers, GPS, tunnels and bridges.
- For greater consideration to be given to farmer and landowner response in this and previous stages of the consultation process. Only through this full engagement with landowners and other interested parties at an individual or local level can compromise arrangements be made to improve Network Rail's assets whilst not affecting the viability of agricultural businesses and rural communities.

Impact on access to land
Our members' primary concern is to ensure access to their farmland on a safe and timely basis, by their staff or appointed contractors, for agricultural and horticultural operations, and to transport harvested produce. Where livestock is grazed, access to land is required for husbandry purposes sometimes twice daily. Some of the proposals in East Anglia would lead to very lengthy diversions of up to 16.6km, which would have disproportionate impacts on current farm practices. The time taken to cover this distance would not be cost effective.

Land in the Anglian region is highly productive growing a variety of crops on rotation, including salad, vegetables, sugar beet and combinable crops. Frequency of access to land varies according to the crop being grown, and some land is subject to multi cropping and grows more than one crop per year. Agricultural and horticultural operations are weather related, so access requirements vary accordingly. Furthermore, some operations are labour intensive and require considerable numbers of people to gain access to land at particular times of year. Therefore increasing the distances which have to be travelled to access land can have significant logistical and financial impacts for the farm business.

Harvesting of crops can also be dependent on supplier requirements, so changes in supermarket demands can influence field operations and access requirements to land- demonstrating the need for reliable access to land.

Vehicular access by farm traffic, including tractors and large machinery (for example sprayers, potato harvesters, combine harvesters and sugar beet harvesters), must not be compromised. Agricultural businesses can be acutely impacted by reduced, as well as a complete lack of, access to particular areas: in some circumstances the nature of machinery used demands the availability of a circular route, and removal of one access point to a land parcel will heavily impact on the logistics of these farm operations.

In some circumstances the alternative route caused by the closure of level crossing is not suitable for agricultural machinery. Therefore we would like confirmation that any diversions are along routes which are:

- No narrower than 5m and capable of taking loadings up to 60tonnes;
- Contain no underbridges which are under 5m high or 5m wide;

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- Contain no junctions or corners which vehicles over 20m long could not use.

In some cases we believe this has not been taken into consideration, therefore the full economic costs of the diversions caused by the closing of level crossings has not been fully taken into account.

NFU Ask:
For the direct effects of closing and downgrading level crossings, including economic, logistical and safety implications, to be fully considered. Forcing agricultural machinery to take longer routes, often using longer stretches of public road, can have great impacts on the farm business, their contractors and the rural community and we believe this has not yet been taken into full consideration.

The lack of certainty or transparency on the process for closing level crossings which hold private rights
User operated private crossings have been a feature of the national rail network since its inception. When the reason for closure is related to the economic gain of the rail operator, it is unacceptable to compulsorily close a right of way without providing an alternative access and consider the economic impact on the agricultural businesses.

Where crossings are being downgraded from a public crossing to a private user crossing, access by agricultural machinery must be permissible. Access from fields onto the highway must not be compromised; neither should turning circles for agricultural vehicles. We have concerns that this has not been fully clarified, and we seek transparency on this point before the downgrading of any crossings.

NFU Ask:
For clear communication to be provided confirming where private rights are not to be affected by the level crossing closures and the level of compensation available.

Proposed changes to the rights of way network in the region
There are a number of proposals to create, divert or extinguish public of rights of way alongside the closure or downgrading of some level crossings. The NFU welcomes the responsible use of the countryside by members of public through the use of the rights of way network. However some of the proposals to create or divert rights of way would significantly increase the length of route running across agricultural land. The potential impacts for farm businesses of these proposals to change the right of way network are manifold:

- The scale of increases in the length of rights of way, sometimes by more than 1km, will have a considerable economic impact on individual farm businesses through taking large areas of land out of agricultural production.
- Some proposals to create or divert rights of way run across land which is currently entered into Countryside Stewardship schemes, which would in turn deem the land ineligible for stewardship payment. As an example, in the Countryside Stewardship manual for option SW4 (12 – 24m watercourse buffer strip on cultivated land), it explicitly says the option 'cannot overlap a public right of way'. As such Countryside Stewardship schemes could be affected by the creation of new rights of way, or diversion of existing rights of way.
- More generally, some proposed diversions will lead to the creation of intrusive footpaths- which run immediately adjacent to, or between, farm buildings which resultantly increase health and safety risks to members of the public and farm workers. No footpath should be diverted to run between farm buildings.
- Diverting o creating new public rights of way behind houses also affects potential land values. Many landowners in densely populated counties like Essex have sold land for garden or horse paddocks and re routed paths will greatly affect the land values in such cases.

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- Other proposed diversions are onto land parcels which are currently used for turning out livestock, thus increasing the risk of livestock worrying, or spreading of disease transmitted by dog faeces such as neosporosis. Rules relating to bulls in fields crossed by public rights of way can also impact on land use.
- A number of proposed diversions would instate rights of way immediately adjacent to poultry sheds, thus causing an enhanced biosecurity risk.
- In some circumstances cul-de-sacs in rights of way will be formed when level crossings are closed. This increases the risk of landowners and tenants becoming the victim of rural crime which includes, but is not limited to, fly-tipping, hare-coursing and fly-grazing.
- No clarity has been provided on who would be responsible for the installation and ongoing maintenance of newly created or diverted rights of way and their furniture- including gates, stiles and fences.

In addition, there is great emphasis currently being placed on the reinstatement of unrecorded historic rights of way which were in existence prior to 1949 when the original definitive map of rights of way was first created. Consideration should be given to the combined effect of reinstated and newly created or diverted rights of way on land, particularly if the two processes create a very dense network, or two rights of way running very close and parallel to each other.

We also question whether the procedure used by Network Rail is correct. Section 5(6) of the Transport and Works Act (TWA) states: *"An order under section 1 or 3 above shall not extinguish any public right of way over land unless the Secretary of State is satisfied, (a) that an alternative right of way has been or will be provided, or (b) that the provision of an alternative right of way is not required."* We would welcome confirmation on whether this provision has been properly considered as part of the current proposals. We are mindful that S118 and 119 of the Highways Act could be used to remove the rights of way in question as an alternative to the TWA procedure.

NFU Ask:
Greater consideration must be given to the wider implications for farm businesses through making alterations to the rights of way network. This can only be achieved through full engagement with landowners on their proposed location during the decision making process. Landowners must be adequately compensated for new rights of way and the associated adverse impact on their business, including loss of production, inability to enter land into Countryside Stewardship schemes, rural crime and the costs of implementing measures to abate any adverse impact to biosecurity or animal welfare.

We would welcome confirmation that Network Rail has fully considered the provisions outlined in Section 5(6) of the TWA and how the creation of rights of way through this process is being considered holistically with work to reinstate historic rights of way through the Deregulation Act 2015.

Conclusion:
The NFU recognises the reasoning behind Network Rail's wish to close or downgrade level crossings in the region; however with greater engagement there is the opportunity to achieve these aims without severely impacting the viability of agricultural businesses. In short this is through:

- Limiting the number of level crossings closed or downgraded;
- Closing combinations of crossings which minimise impacts on agricultural practices.
- Retaining private rights on some level crossings which will be closed to others.
- The full investigation and use of other measures such as the use of lights, barriers, GPS, tunnels and bridges.

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Appendix 3

Emails to Bruton Knowles
And
Network Rail

Although every effort has been made to ensure accuracy, neither the NFU nor the author can accept liability for errors and or omissions. © NFU

Louise Staples

From: Louise Staples
Sent: 06 April 2017 09:44
To: Andrew Prowse
Subject: RE: Anglia Crossing Closure Consultation published - deadline for Cambridgeshire 25 April

Dear Andrew

Many thanks for coming back to me and look forward to hearing from someone at Network Rail.

Regards

Louise

Louise Staples MRICS, FAAV

Rural Surveyor
NFU
Agriculture House
Stoneleigh Park
Stoneleigh
Warwickshire
CV8 2TZ

Direct line: 02476 858558
Fax: 02476 858559
Mobile: 07799384359

From: Andrew Prowse [mailto:Andrew.Prowse@brutonknowles.co.uk]
Sent: 06 April 2017 09:41
To: Louise Staples
Cc: Hannah Padfield
Subject: RE: Anglia Crossing Closure Consultation published - deadline for Cambridgeshire 25 April

Louise

Thank you for your email. I am currently awaiting instructions in relation to post deposition matters. I have relayed your email to Network Rail and someone will contact you in due course.

Regards

Andrew

BK Bruton Knowles est.1862

Property Consultants

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From: Louise Staples [Louise.Staples@nfu.org.uk]
Sent: 05 April 2017 15:31
To: Andrew Prowse
Cc: Hannah Padfield
Subject: Anglia Crossing Closure Consultation published - deadline for Cambridgeshire 25 April

Dear Andrew

I have been given your contact details by my regional colleague Hannah Padfield and I am getting in touch direct due to the impact some of the proposed network rail crossing closures would have on some of our members farm businesses. We believe that Network Rail has not considered previous responses that we have submitted and so now urgently need to have a meeting with you and the project lead from Network Rail.

I would be grateful if you could contact me as soon as possible so that we can arrange a meeting.

Regards

Louise

Louise Staples MRICS, FAAV

Rural Surveyor
NFU
Agriculture House
Stoneleigh Park
Stoneleigh
Warwickshire
CV8 2TZ

Direct line: 02476 858558
Fax: 02476 858559
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Louise Staples

From: Boulton Jonathan <Jonathan.Boulton@networkrail.co.uk>
Sent: 25 April 2017 14:02
To: Louise Staples
Subject: RE: Network Rail Level Crossing Closure Orders

Louise,

Thank you for this, I have circulated this round and will get back to you with a response (either from myself or it may come on behalf of the project) asap,

Kind regards

Jonathan

NetworkRail
Property

Jonathan Boulton
Surveyor (Anglia)
Property Services
1 Eversholt Street
London NW1 2DN
M 07710 939865
E jonathan.boulton@networkrail.co.uk
www.networkrail.co.uk/property

From: Louise Staples [mailto:Louise.Staples@nfu.org.uk]
Sent: 25 April 2017 13:57
To: Boulton Jonathan
Subject: FW: Network Rail Level Crossing Closure Orders

Dear Jonathan

Please find attached our response to the consultation submitted today to DFT. I would be grateful if you could please come back to me as soon as possible with any information you have in regard to any of the questions raised.

Many thanks

Regards

Louise

From: Martin Rogers
Sent: 25 April 2017 10:21
To: transportandworksact@dft.gsi.gov.uk
Subject: Network Rail Level Crossing Closure Orders

To whom it may concern,

Please find attached the NFU's response to the proposed orders submitted by Network Rail under the Transports and Works Act 1992 to remove or downgrade 130 level crossings across Cambridgeshire, Suffolk and Essex. I also enclose a copy of individual responses which have been received from our membership.

Kind Regards

Martin Rogers
Flood management & Access Adviser

National Farmers Union (NFU)
Agriculture House
Stoneleigh Park
Stoneleigh
Warwickshire
CV8 2TZ
Tel: 024 7685 8645

The voice of British farming - www.nfuonline.com

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****
****

Louise Staples

From: Boulton Jonathan <Jonathan.Boulton@networkrail.co.uk>
Sent: 14 June 2017 09:56
To: Louise Staples
Subject: Meeting with the NFU
Attachments: Network Rail level crossing closure orders NFU response.pdf; NFU member individual comments.pdf

Louise,

Further to our various emails on the subject of the Anglia Level Crossing Closure Transport for Works Act Order, would representatives of the NFU be available to meet the relevant individuals within Network Rail to discuss the matters raised in the objection you submitted? (attached again for reference). If so if you could send me some dates/times when your representatives would be free I will co-ordinate matter on my end as well,

Happy to discuss

Kind regards

Jonathan

NetworkRail
Property

Jonathan Boulton
Surveyor (Anglia)
Property Services
1 Eversholt Street
London NW1 2DN
M 07710 939865
E jonathan.boulton@networkrail.co.uk
www.networkrail.co.uk/property

****
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Appendix 4

Manasseh & Roberts - Crossing E47 – Bluehouse

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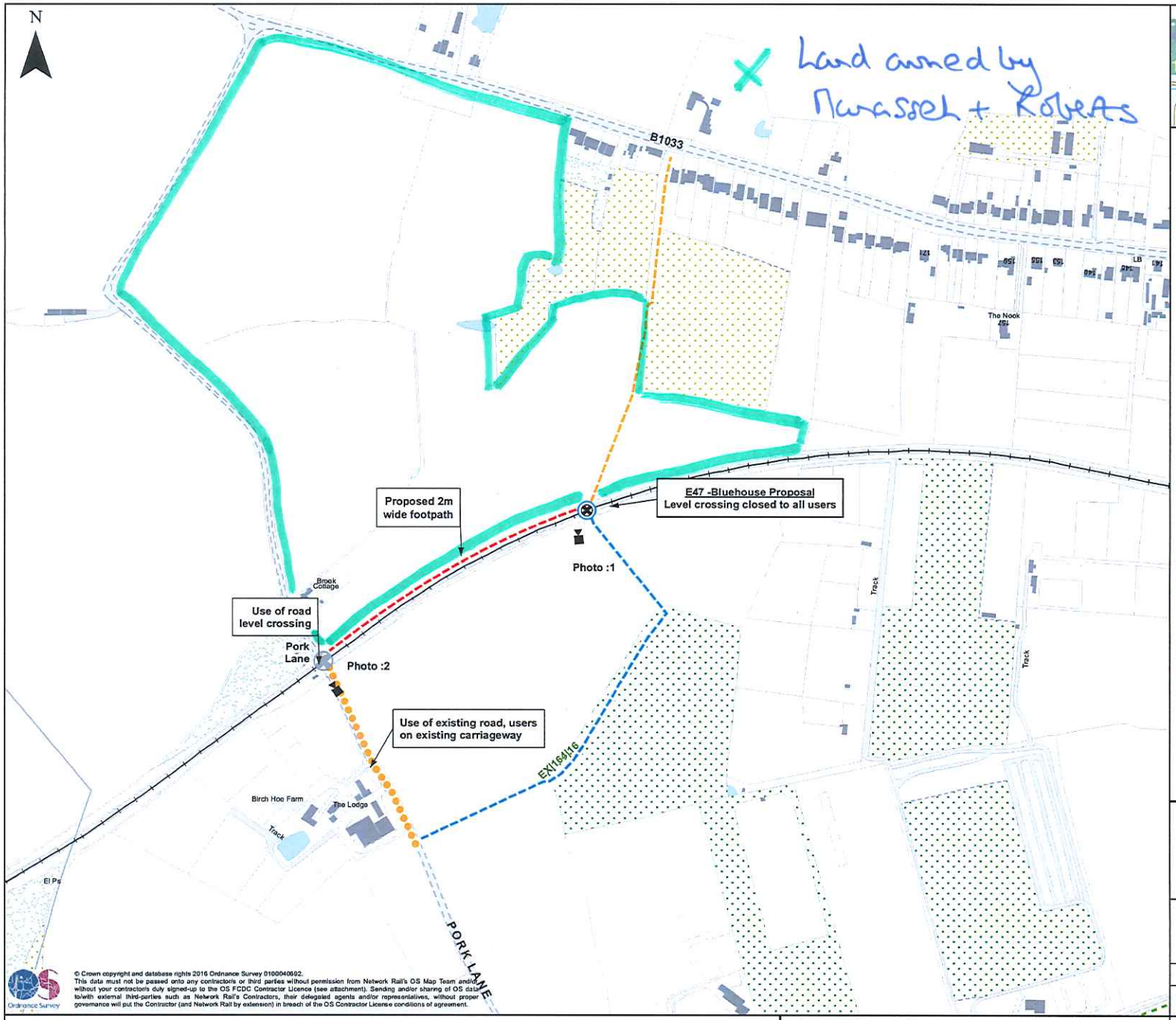
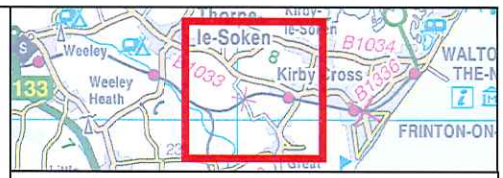
PLAN A. E47: Bluehouse. 16.8.2016.





Level Crossings

- Level crossing being discussed
- Other level crossing in the project
- Other level crossing not in the project

Right of Way / Other Route Type

- Footpath
- Bridleway
- Restricted byway
- Byway open to all traffic
- Highway (shown where used as part of a diversion
- Private Road / Track (shown where used as part of a diversion route)

The line styles above indicate the type of right of way or other route proposed.

Right of Way / Other Route Status

- No Change and not part of diversion route
- Use of Existing right of way for diversion route
- Change of Status to right of way
- Closure of existing right of way
- Creation of new right of way

The colours below indicate the nature of the proposal.

Photographs

- Photograph Location (with no. - see Summary Sheet for details)

NetworkRail

Anglia Level Crossing Reduction Strategy

Round 2 Public Consultation Proposal

E47 - Bluehouse
Essex
Frinton and Walton CP

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
P1	16/08/2016	For Information	WC	DW	SJT	JAS

Scale at A3 1:3,500

Drawing No. MMD-367516-E47-GEN-003

Metres 0 50 100

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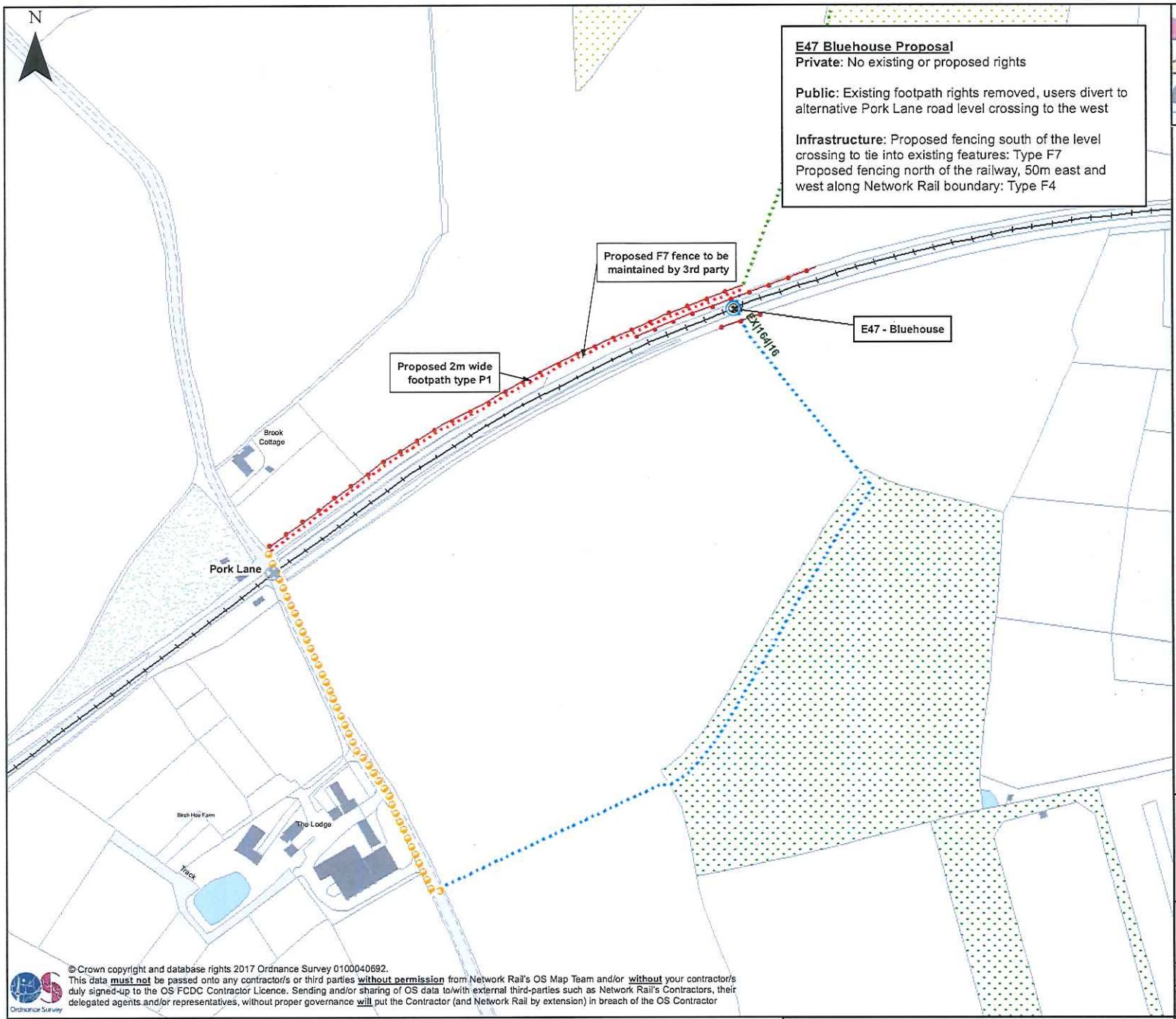
PLAN B. E47 : BLUEHOUSE MARCH 2017.



SECTION 1: LEVEL CROSSINGS

- Rights to be modified as part of this project
- Rights not modified as part of this project

The above symbols indicate existing level crossing locations.
The ring colours are as per section 4 below.

SECTION 2: TYPE OF RIGHT OF WAY (excluding adopted highway)

- Footpath (public)
- Bridleway (public)
- Restricted byway (public)
- Byway open to all traffic (public)
- Road / Track (private)

The line styles above illustrate the type of right of way extant or proposed.
The colour is per section 4 below.

SECTION 3: PROPOSED USE OF ADOPTED HIGHWAY

- Footway Available
- Verge Available (No Footway)
- Carriageway Available (No Footway or Verge)
- Motorised Only Diversion Route

Where the proposals may divert users onto an adopted highway, the above symbols denote where a footway is available, a verge only, or if neither a footway or verge is available and pedestrians would need to walk in the carriageway.

SECTION 4: PROPOSED STATUS CHANGE

- No change and not part of diversion
- Use of existing right of way as part of diversion
- Change of status to existing right of way
- Closure of existing right of way
- Creation of new right of way

The above colours apply to sections 1, 2 and 3 above.

SECTION 5: ASSOCIATED INFRASTRUCTURE (Indicative features)

- Fencing (tie into existing)
- Gates
- Bridges
- Footway
- Future developments by Third Party projects where planning details are available
- Railway

1. The layout shown on this drawing is indicative and may be subject to change at detailed design.
2. This drawing should be read in conjunction with the Essex, Southend-on-Sea, Havering, Hertfordshire and Thurrock Design and Guide (Ref: 367516/ RPT024) which contains details of the infrastructure types referred to in this drawing.

NetworkRail

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Anglia Level Crossing Reduction Strategy

Design Freeze Proposals

E47 - Bluehouse
Essex - Frinton and Walton CP
Post Code CO130EP

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
P3A	Mar 2017	For Information	WC	SRP	SJT	JAS

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0 0.05 0.1 Kilometers

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Appendix 5

Audley End Estate – Crossing E12 – Wallis's

Crossing E13 – Littlebury Gatehouse

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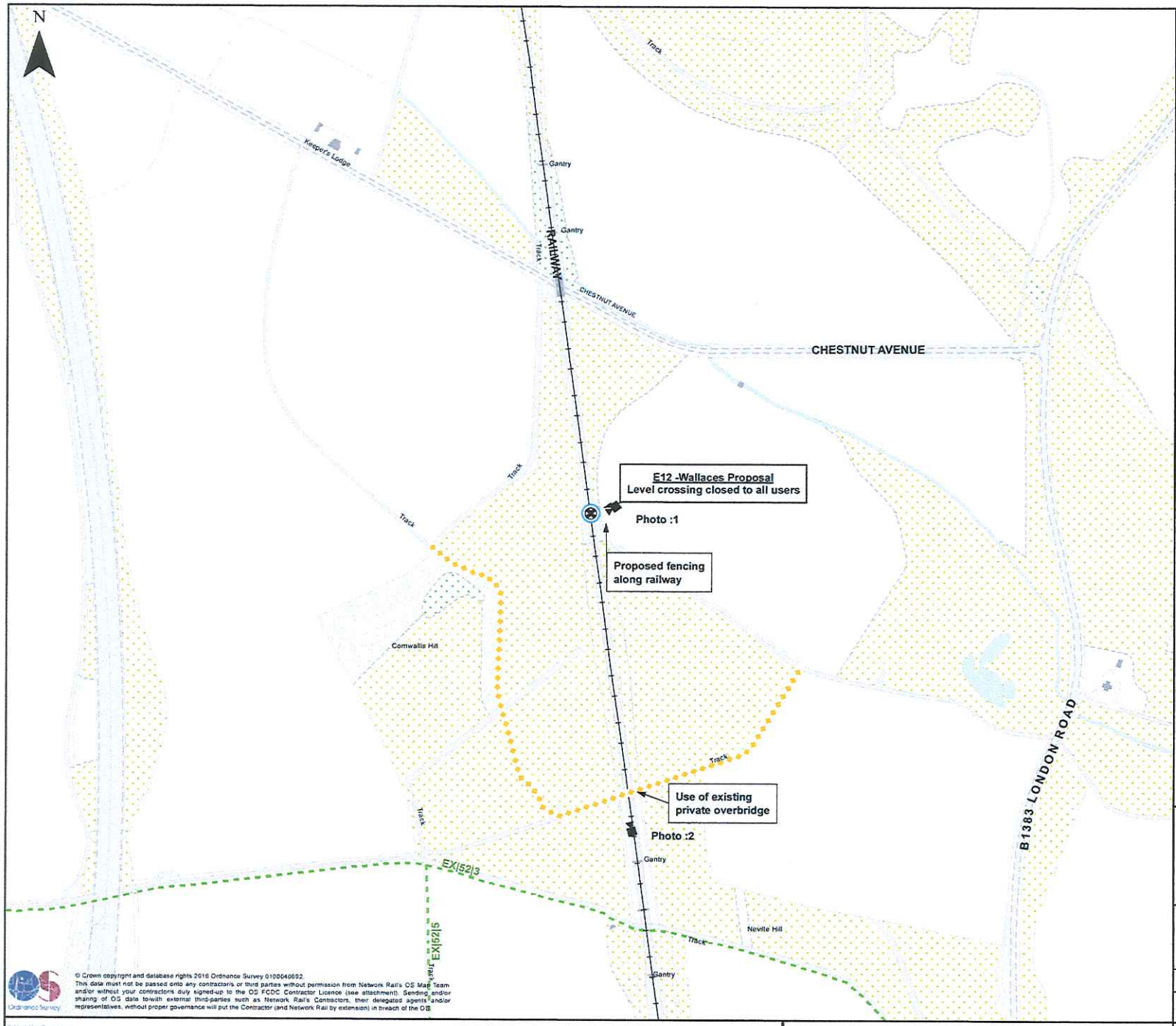
PLAN A. E12: WALLIS'S 16.08.2017.



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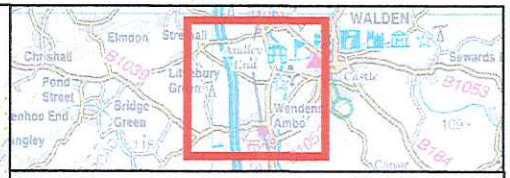

Level Crossings

- Level crossing being discussed
- Other level crossing in the project
- Other level crossing not in the project

Right of Way / Other Route Type

- Footpath
- Bridleway
- Restricted byway
- Byway open to all traffic
- Highway (shown where used as part of a diversion
- Private Road / Track (shown where used as part of a diversion route)

The line styles above indicate the type of right of way or other route proposed.

The colours below indicate the nature of the proposal.

Right of Way / Other Route Status

- No Change and not part of diversion route
- Use of Existing right of way for diversion route
- Change of Status to right of way
- Closure of existing right of way
- Creation of new right of way

Photographs

- Photograph Location (with no. - see Summary Sheet for details)

NetworkRail

Anglia Level Crossing Reduction Strategy

Round 2 Public Consultation Proposal

E12 - Wallaces
Essex
Wendens Ambo CP

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
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Metres 0 50 100

Scale at A3 1:4,000

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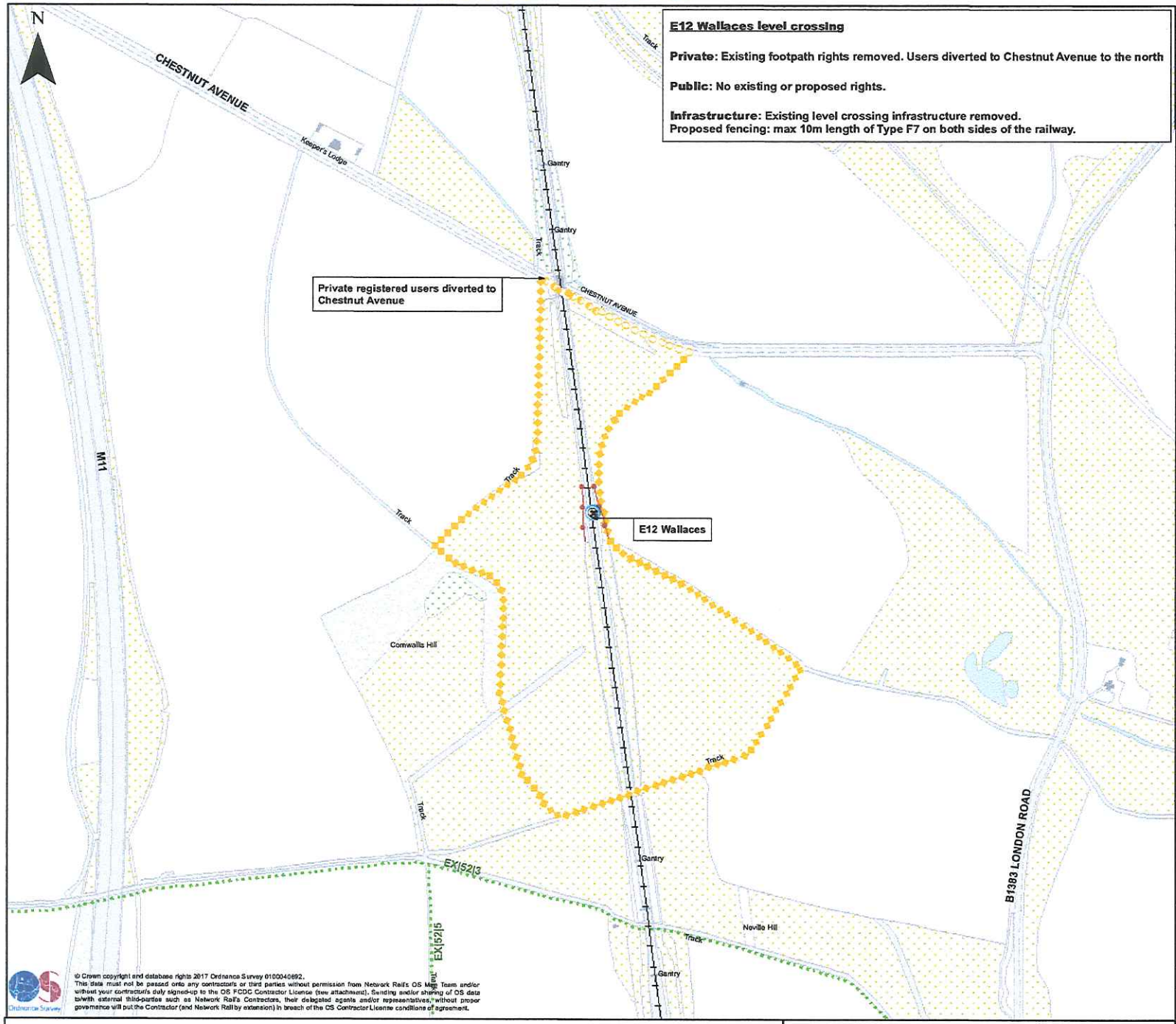
PLAN B. E12: WALLIS'S MARCH 2017.



E12 Wallaces level crossing

Private: Existing footpath rights removed. Users diverted to Chestnut Avenue to the north

Public: No existing or proposed rights.

Infrastructure: Existing level crossing infrastructure removed.
Proposed fencing: max 10m length of Type F7 on both sides of the railway.

SECTION 1: LEVEL CROSSINGS

- Rights to be modified as part of this project
- Rights not modified as part of this project

The above symbols indicate existing level crossing locations.
The ring colours are as per Section 4 below.

SECTION 2: TYPE OF RIGHT OF WAY (excluding adopted highway)

- Footpath (public)
- Bridleway (public)
- Restricted byway (public)
- Byway open to all traffic (public)
- Road / Track (private)

The line styles above illustrate the type of right of way extant or proposed.
The colour is per Section 4 below.

SECTION 3: PROPOSED USE OF ADOPTED HIGHWAY

- Footway Available
- Verge Available (No Footway)
- Carriageway Available (No Footway or Verge)
- Motorised Only Diversion Route

Where the proposals may divert users onto an adopted highway, the above symbols denote where a footway is available, a verge only, or if neither a footway or verge is available and pedestrians would need to walk in the carriageway.

SECTION 4: PROPOSED STATUS CHANGE

- No change and not part of diversion
- Use of existing right of way as part of diversion
- Change of status to existing right of way
- Closure of existing right of way
- Creation of new right of way

The above colours apply to Sections 1, 2 and 3 above.

SECTION 5: ASSOCIATED INFRASTRUCTURE (Indicative only)

- Fencing (tie into existing)
- Gates
- Bridges
- Footway
- Future developments by Third Party projects where planning details are available
- Railway

1. The layout shown on this drawing is indicative and may be subject to change at detailed design.
2. This drawing should be read in conjunction with the Essex, Southend-on-Sea, Havering, Hertfordshire and Thurrock Design Guide (Ref: 367516/ RPT024) which contains details of the infrastructure types referred to in this drawing.

NetworkRail

MOTT MACDONALD

Anglia Level Crossing Reduction Strategy

Design Freeze Proposals

E12 - Wallaces
Essex - Wendens Ambo CP
Post Code - CO11 4JH

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
P3A	Mar 2017	For Information	OA	SRP	SJT	JAS

Scale at A3: NTS

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Appendix 6

E Camp & Son - Crossing E02 – Camps
Crossing E03 – Sadlers

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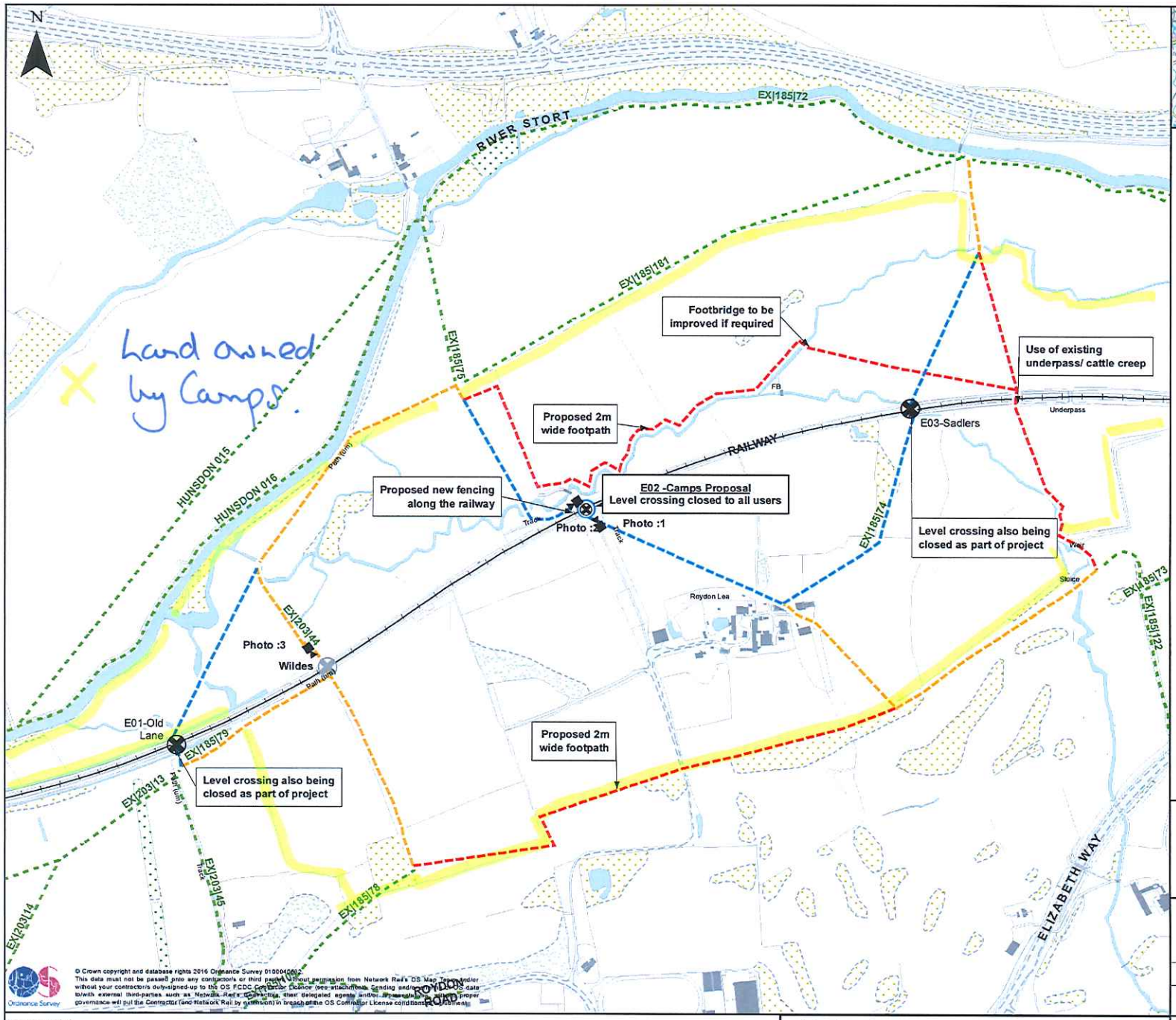
PLAN A. E02: CAMPS. 16.08.2016.



Level Crossings

- Level crossing being discussed
- Other level crossing in the project
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Right of Way / Other Route Type

- Footpath
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- Byway open to all traffic
- Highway (shown where used as part of a diversion
- Private Road / Track (shown where used as part of a diversion route)

The line styles above indicate the type of right of way or other route proposed.

The colours below indicate the nature of the proposal.

Right of Way / Other Route Status

- No Change and not part of diversion route
- Use of Existing right of way for diversion route
- Change of Status to right of way
- Closure of existing right of way
- Creation of new right of way

Photographs

- Photograph Location (with no. - see Summary Sheet for details)

NetworkRail

Anglia Level Crossing Reduction Strategy

Round 2 Public Consultation Proposal

E02 - Camps
Essex
Harlow District

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
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Metres 0 50 100

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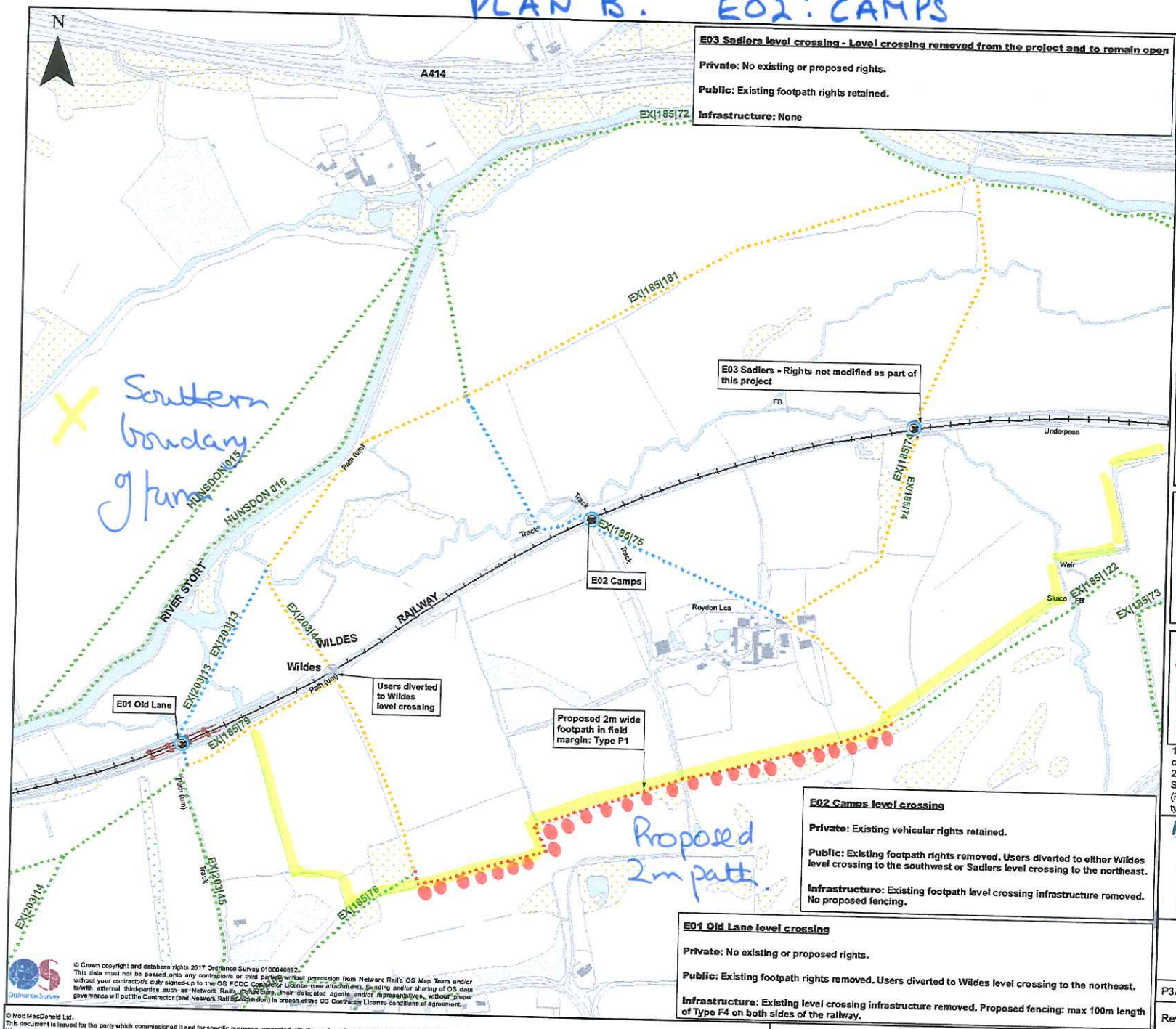
PLAN B. E02: CAMPS

MARCH 2017.



E03 Sadlers level crossing - Level crossing removed from the project and to remain open

Private: No existing or proposed rights.

Public: Existing footpath rights retained.

Infrastructure: None

E02 Camps level crossing

Private: Existing vehicular rights retained.

Public: Existing footpath rights removed. Users diverted to either Wildes level crossing to the southwest or Sadlers level crossing to the northeast.

Infrastructure: Existing footpath level crossing infrastructure removed. No proposed fencing.

E01 Old Lane level crossing

Private: No existing or proposed rights.

Public: Existing footpath rights removed. Users diverted to Wildes level crossing to the northeast.

Infrastructure: Existing level crossing infrastructure removed. Proposed fencing: max 100m length of Type F4 on both sides of the railway.

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SECTION 1: LEVEL CROSSINGS

- Rights to be modified as part of this project
- Rights not modified as part of this project

The above symbols indicate existing level crossing locations.
The ring colours are as per Section 4 below.

SECTION 2: TYPE OF RIGHT OF WAY (excluding adopted highway)

- Footpath (public)
- Byway open to all traffic (public)
- Bridleway (public)
- Road / Track (private)
- Restricted byway (public)

The line styles above illustrate the type of right of way extant or proposed.
The colour is per Section 4 below.

SECTION 3: PROPOSED USE OF ADOPTED HIGHWAY

- Footway Available
- Motorised Only Diversion Route
- Verge Available (No Footway)
- Carriageway Available (No Footway or Verge)

Where the proposals may divert users onto an adopted highway, the above symbols denote where a footway is available, a verge only, or if neither a footway or verge is available and pedestrians would need to walk in the carriageway.

SECTION 4: PROPOSED STATUS CHANGE

- No change and not part of diversion
- Use of existing right of way as part of diversion
- Change of status to existing right of way
- Closure of existing right of way
- Creation of new right of way

The above colours apply to Sections 1, 2 and 3 above.

SECTION 5: ASSOCIATED INFRASTRUCTURE (Indicative only)

- Fencing (tie into existing)
- Gates
- Bridges
- Footway
- Future developments by Third Party projects where planning details are available
- Railway

1. The layout shown on this drawing is indicative and may be subject to change at detailed design.
2. This drawing should be read in conjunction with the Essex, Southend-on-Sea, Havering, Hertfordshire and Thurrock Design Guide (Ref: 367516/ RPT024) which contains details of the infrastructure types referred to in this drawing.

NetworkRail

MOTT MACDONALD

Anglia Level Crossing Reduction Strategy

Design Freeze Proposals

E02 - Camps
Essex - Harlow District
Post Code - CM19 5DY

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
P3A	Mar 2017	For Information	OA	SRP	SJT	JAS

Scale at A3: NTS

Drawing No. MMD-367516-E02-GEN-005

Metres 0 40 80

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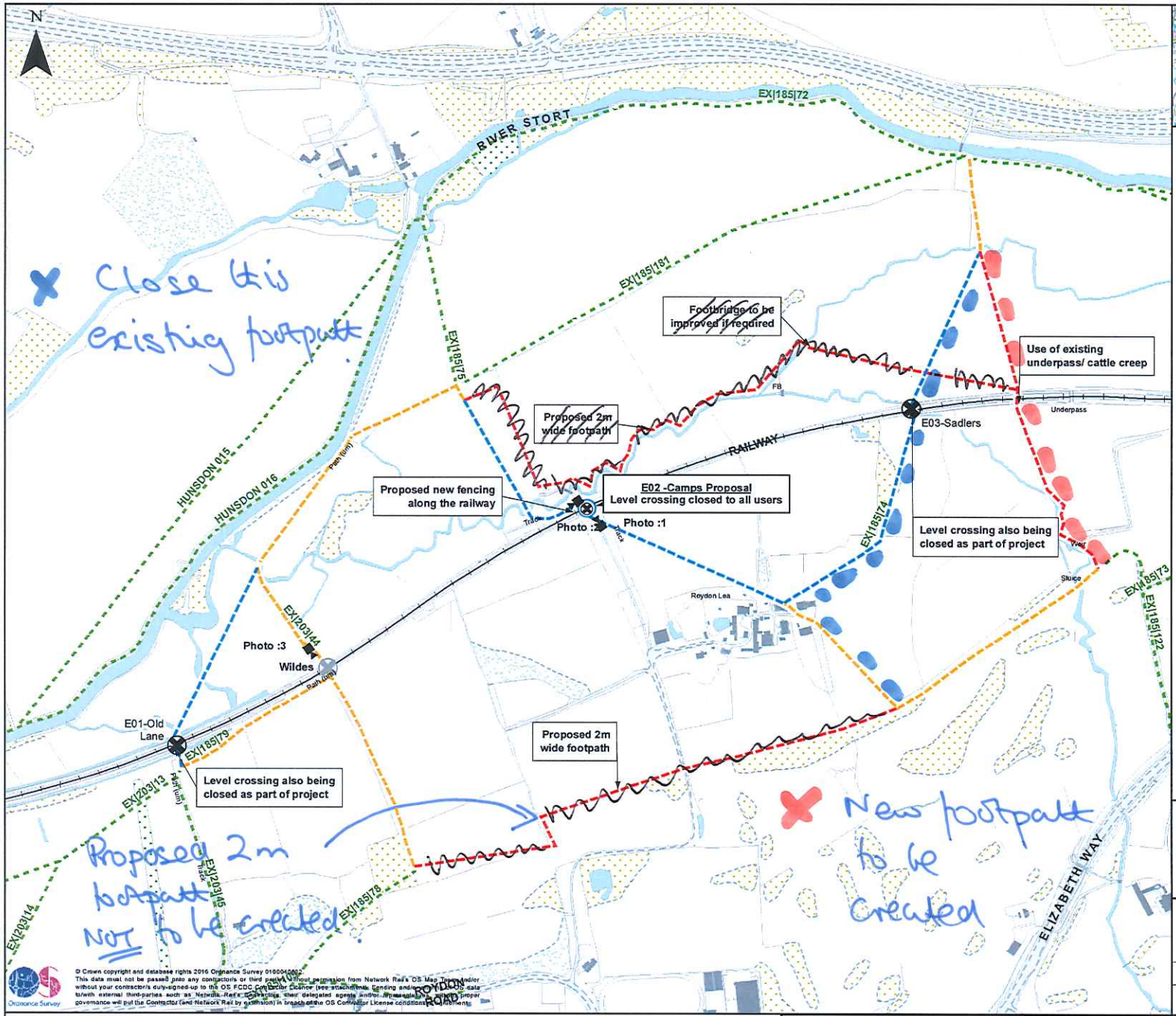
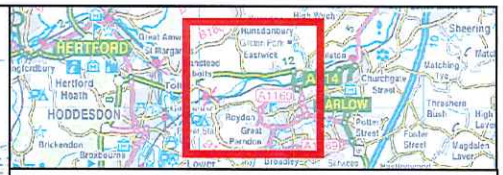
PLAN C. E02: CAMPS





Level Crossings

- Level crossing being discussed
- Other level crossing in the project
- Other level crossing not in the project

Right of Way / Other Route Type

- Footpath
- Bridleway
- Restricted byway
- Byway open to all traffic
- Highway (shown where used as part of a diversion
- Private Road / Track (shown where used as part of a diversion route)

The line styles above indicate the type of right of way or other route proposed.

The colours below indicate the nature of the proposal.

Right of Way / Other Route Status

- No Change and not part of diversion route
- Use of Existing right of way for diversion route
- Change of Status to right of way
- Closure of existing right of way
- Creation of new right of way

Photographs

- Photograph Location (with no. - see Summary Sheet for details)

NetworkRail

Anglia Level Crossing Reduction Strategy

Round 2 Public Consultation Proposal

E02 - Camps
Essex
Harlow District

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
P1	16/08/2016	For Information	WC	DW	SJT	JAS

Scale at A3 1:5,500

Drawing No. MMD-367516-E02-GEN-003

Metres 0 50 100

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Appendix 7

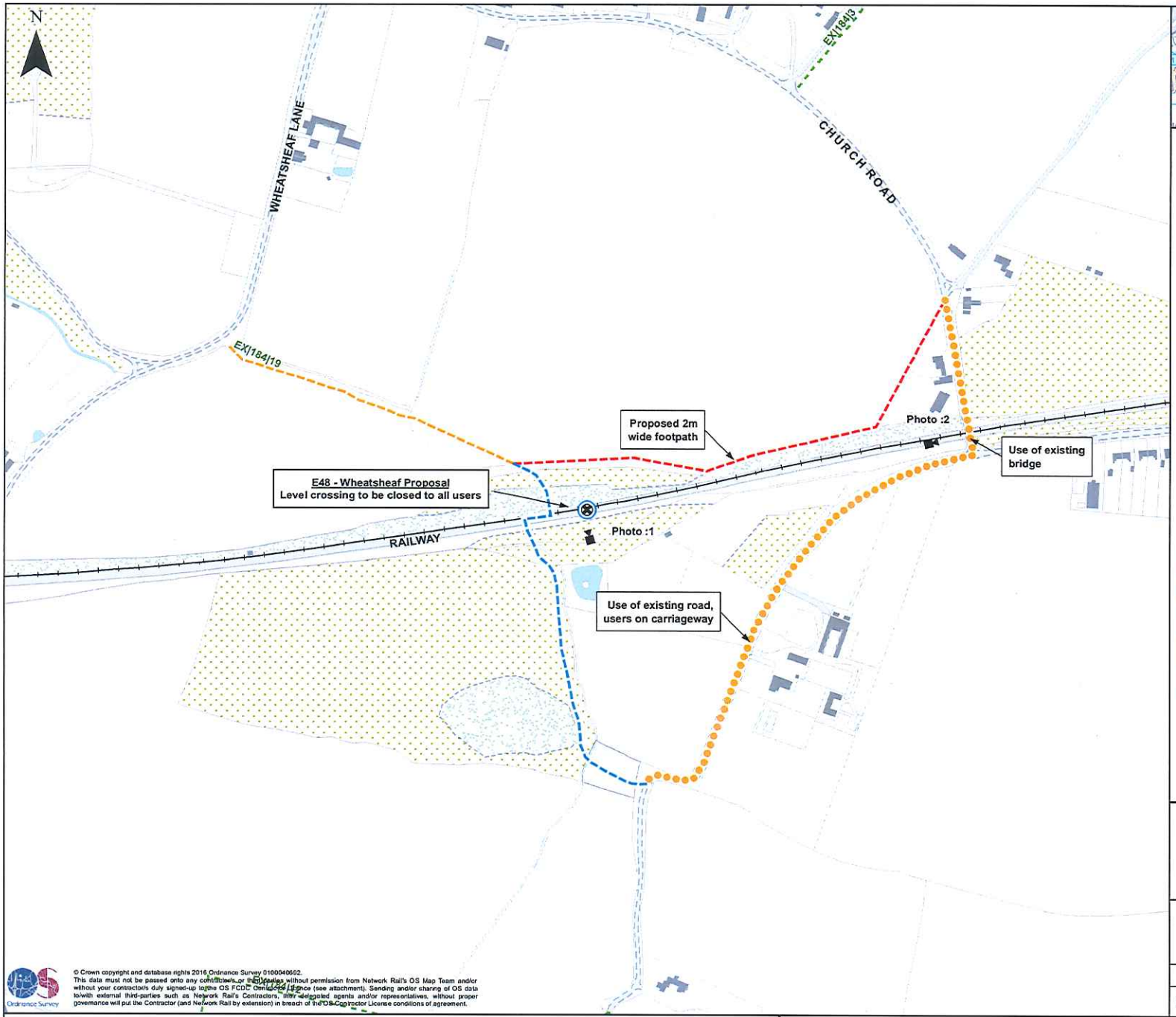
C, N and R Hutley, Home Farm - Crossing E48 Wheatsheaf

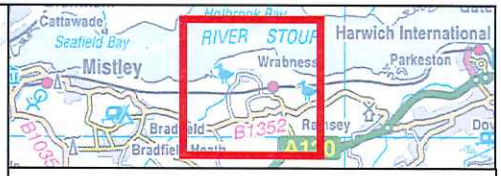
(Wrabness Parish)

Although every effort has been made to ensure accuracy, neither the NFU nor the author can accept liability for errors and or omissions. © NFU

NFU supported by NFU Mutual

PLAN A. E48: WHEATSHEAF 16.08.2016.





Level Crossings

- Level crossing being discussed
- Other level crossing in the project
- Other level crossing not in the project

Right of Way / Other Route Type

- Footpath
- Bridleway
- Restricted byway
- Byway open to all traffic
- Highway (shown where used as part of a diversion
- Private Road / Track (shown where used as part of a diversion route)

The line styles above indicate the type of right of way or other route proposed.

Right of Way / Other Route Status

- No Change and not part of diversion route
- Use of Existing right of way for diversion route
- Change of Status to right of way
- Closure of existing right of way
- Creation of new right of way

The colours below indicate the nature of the proposal.

Photographs

Photograph Location (with no. - see Summary Sheet for details)

NetworkRail

Anglia Level Crossing Reduction Strategy

Round 2 Public Consultation Proposal

E48 - Wheatsheaf
Essex
Wrabness CP

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
P1	16/08/2016	For Information	WC	DW	SJT	JAS

Scale at A3 1:3,500

Drawing No. MMD-367516-E48-GEN-003

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0 50 100 Metres

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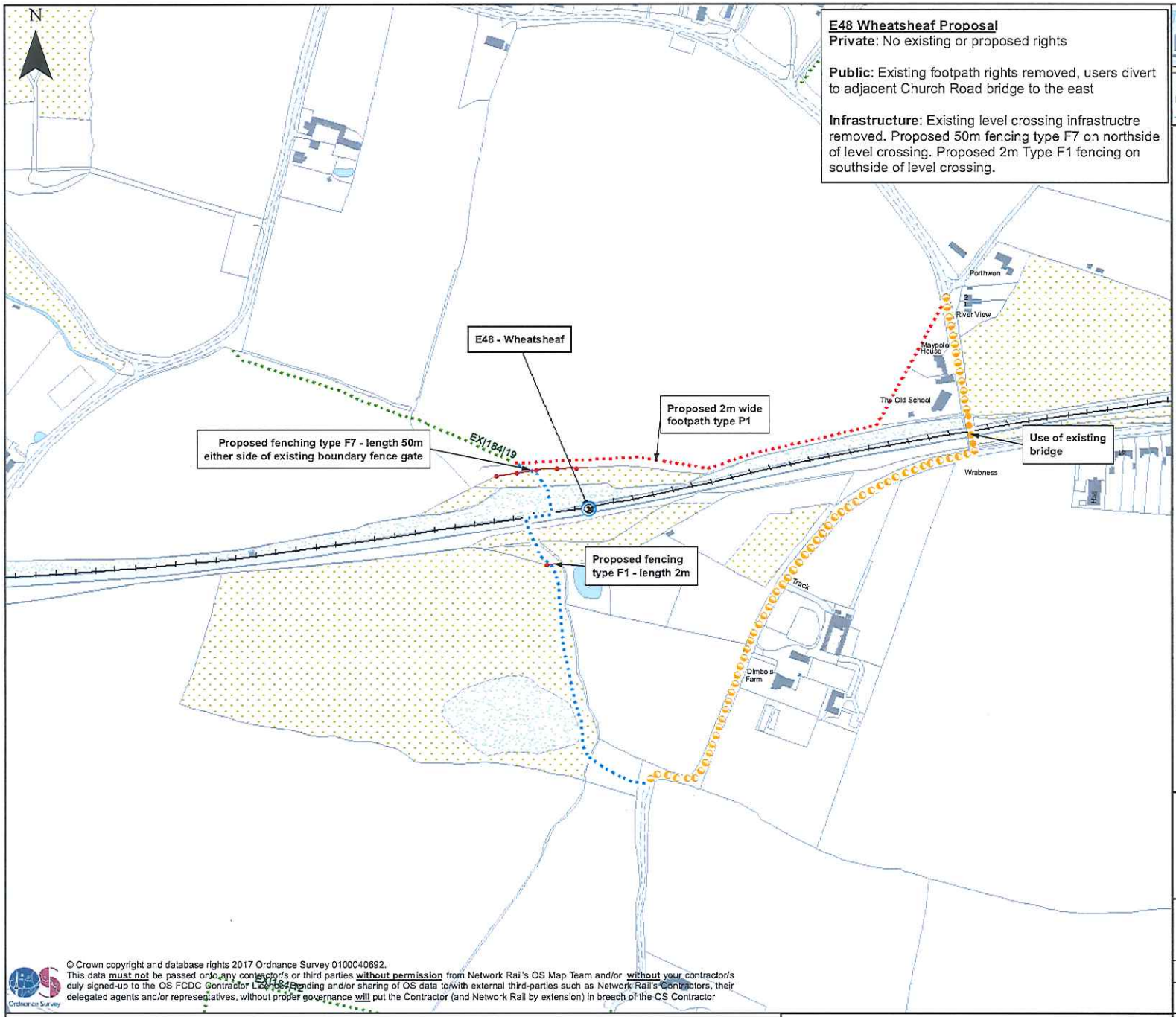
PLAN B. E48: WHEATSHEAF. MARCH 2017.



E48 Wheatsheaf Proposal
Private: No existing or proposed rights

Public: Existing footpath rights removed, users divert to adjacent Church Road bridge to the east

Infrastructure: Existing level crossing infrastructre removed. Proposed 50m fencing type F7 on northside of level crossing. Proposed 2m Type F1 fencing on southside of level crossing.

SECTION 1: LEVEL CROSSINGS

- Rights to be modified as part of this project
- Rights not modified as part of this project

The above symbols indicate existing level crossing locations.
The ring colours are as per section 4 below.

SECTION 2: TYPE OF RIGHT OF WAY (excluding adopted highway)

- Footpath (public)
- Bridleway (public)
- Restricted byway (public)
- Byway open to all traffic (public)
- Road / Track (private)

The line styles above illustrate the type of right of way extant or proposed.
The colour is per section 4 below.

SECTION 3: PROPOSED USE OF ADOPTED HIGHWAY

- Footway Available
- Verge Available (No Footway)
- Carriageway Available (No Footway or Verge)
- Motorised Only Diversion Route

Where the proposals may divert users onto an adopted highway, the above symbols denote where a footway is available, a verge only, or if neither a footway or verge is available and pedestrians would need to walk in the carriageway.

SECTION 4: PROPOSED STATUS CHANGE

- No change and not part of diversion
- Use of existing right of way as part of diversion
- Change of status to existing right of way
- Closure of existing right of way
- Creation of new right of way

The above colours apply to sections 1, 2 and 3 above.

SECTION 5: ASSOCIATED INFRASTRUCTURE (Indicative features)

- Fencing (tie into existing)
- Gates
- Bridges
- Footway
- Future developments by Third Party projects where planning details are available
- Railway

1. The layout shown on this drawing is indicative and may be subject to change at detailed design.
2. This drawing should be read in conjunction with the Essex, Southend-on-Sea, Havering, Hertfordshire and Thurrock Design and Guide (Ref: 367516/ RPT024) which contains details of the infrastructure types referred to in this drawing.

NetworkRail

MOTT MACDONALD

Anglia Level Crossing Reduction Strategy

Design Freeze Proposals

E48 - Wheatsheaf
Essex - Wrabness CP
Post Code CO112TQ

Rev	Date	Description	Dwn	E Chk	Ch'k'd	App'd
P3A	Mar 2017	For Information	WC	SRP	SJT	JAS

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0 0.075 0.15 Kilometers

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