

Statement of Case

Network Rail Level Crossing Closure Essex

E47-Bluehouse (Frinton and Walton Parish)

This case is made by Valerie Roberts (VR) and Douglas Roberts (DR) as the landowners on the northwest side of the level crossing, E47.

The land forms part of our 230 hectare dairy and arable farm. The dairy enterprise now plays the dominant role in the financial output of our farming business. The business is run as a partnership with VR, DR and son James Roberts as the three partners.

[The people/staff of the farming business never use this pedestrian crossing as part of their work.]

We have made two other submissions to the Network Rail proposals for crossing E47. Our Statement of Case is complementary to those submissions, copies are enclosed.

The proposed crossing closure requires land to be taken from our field running along side (parallel) to the railway line. As a viable and progressive farm we do not wish to lose any land on which we can grow crops and forage. However we do have other worries with this proposal.

The proposal to redirect the footpath gives concerns:

- A) The safety of pedestrians using the crossing and exiting the proposed footpath.
- B) The biosecurity risks of our dairy cows and youngstock. Risks to growing crops.
- C) The total inability of any form of maintenance to be carried out to vegetation from the railway line and the footpath.

A) The Safety of Pedestrians.

In the summary sheet dated September 2016 Network Rail explains the risk assessment, score D8, for crossing E47. Having farmed in this immediate vicinity for 42 years, I do not know of any incidents of misuse, no near misses and no accidents at the E47 crossing. The "collective risk" score can only be judged by the new census survey undertaken by Network Rail during June and July, good weather for walking, when nobody was recorded as using the crossing. Surely the safety score for the crossing should be closer to M13.

Good signage and good crossing and vegetation maintenance would provide a safe crossing.

There is good visibility in both directions on this single track with generally two trains passing per hour during the day, one to Kirby Cross and one to Thorpe Le Soken.

There must be concern for pedestrians exiting the proposed footpath on to Pork Lane. The exit is 25 metres from a blind downhill corner on the North side. Pork Lane is a well known cut through for local and large vehicles avoiding the low bridge in Kirby Cross. Over the years I have carted many trailer loads of grass silage and grain along the lane and that gives one full knowledge of the dangers that face pedestrians at the exit to the proposed footpath. With additional new house building in Kirby Cross this lane has become an epitome of a vehicular "rat run".

It must be understood that the proposed change still requires walkers to cross the railway to continue on the original part of the carriageway.

Near the proposed exit of the footpath there is a well which serves the neighbouring house. This well is just over two metres from the railway line fence. This well could easily be vandalised from the footpath and could also provide an obstruction to the safety of pedestrians.

With the railway running through the farm we are very conscious of and understand the importance of a safe crossing. Over the years we have cooperated with Network Rail to close three crossings. We still have one crossing, with telephone communication to the signal box at Colchester, and a bridge.

B) Biosecurity and Cultivation Risks

Our dairy herd is one of only six left in Essex and we currently have 350 milking cows and 250 youngstock on the farm. We are sure that our livestock farm provides great biodiversity in an arable region. (British Trust for Ornithology have recently been monitoring the nightingale population on the farm and recording many different bird species).

The proposed footpath will provide access alongside land that we use for grassland to make silage for the cows. If faeces from dogs are deposited on the grassland they can be gathered during the silage making operation and subsequently ingested by the cows. The dogs faeces can carry the Neospora parasite which in turn will cause the cows to abort. We have had problems in the past with Neospora. If further technical information is required it can be provided. Please see enclosed article from the Farmers Guardian 9th December 2016 edition.

With expanding livestock numbers in future we may want to graze animals on this field and dog walkers could cause all sorts of problems to pregnant animals, calves and dog walkers themselves.

We have used this field for grass production in the past (2011) and will do so in the future.

We also grow maize for silage on this field and when the maize is small it is very vulnerable to damage which could occur with walkers and dogs straying from the footpath.

When grass is grown in this field it is all too easy for walkers to wander over the field. They do not realise that we treat this as an intensive crop hoping to achieve four cuts of grass each year.

C) Maintenance

We are concerned that the footpath will not be maintained. One only has to see the current total lack of any maintenance carried out at present to understand why we are concerned, no vegetation control, no fence maintenance. The size of the trees indicate the lack of maintenance over many years.

Whatever sort of new fencing may be erected to accommodate the proposed footpath there is no evidence that this will be maintained. For the last two months I have been travelling regularly on the train between Thorpe Le Soken and Sutton, South London and have seen many forms of secure fencing but very little control of the vegetation has been done, greenery growing up the fencing, through the fencing, over the fencing.

If any sort of maintenance is offered when will it be done? As farmers, we can only trim vegetation between 1st September and 1st March. Access to the field will not be allowed and any machinery use during the winter on the field will not be possible owing to field conditions.

If maintenance is not carried out, walkers will stray from the two metre footpath onto our crops.

These may seem trivial points but they are fundamental to the safe and correct use of a footpath.

Are there are examples of a footpath running next to a railway line and an arable field over a distance of approximately 300 metres? Network Rail seems to be setting a precedent with this footpath proposal.

Conclusion

In "Anglia Level Crossing Proposals" the benefits of closing the crossing E47 are itemised. (Summary Sheet – September 2016).

"Improve the safety of level crossing users", overall the safety aspects could potentially be far worse.

"Deliver a more efficient and reliable railway...", a pedestrian crossing the railway at E47 will make no difference to efficiency or reliability of the railway.

"Reduce the ongoing operating cost and maintenance cost of the railway", there is no operating cost and the maintenance of 300 metres of fencing will cost far more than currently carried out at the E47 crossing.

"Reduce delays to trains, pedestrians and other highway users", perhaps there will be far more delays when Network Rail staff are on the railway verge maintaining the boundaries. There are minimal delays to pedestrians using the crossing and they will surely not be in any hurry. There are no highway users at this crossing.

"Improve journey time reliability for railway, highway and other rights of way users", perhaps Network Rail could enlighten us how reliability will be improved.

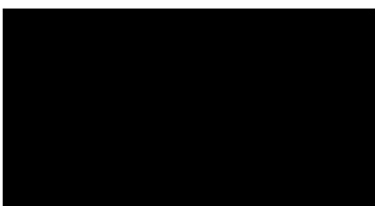
Network Rail do have a solution to closing the crossing. Why do they not cooperate to close the existing footpath. The footpath is not part of a local network and there is no need as it does not connect to any other footpath nor lead to anywhere specific. It just comes from the main Thorpe Le Soken/Kirby Cross road and goes to Pork Lane which is narrow lane with no footpath/pavement.

Please find attached copies of previous submissions, photographs etc.

Please inform us if further information or clarity is required.


We would be grateful if you could keep us informed of the timetable of the inquiry.

30th June 2017



Tel:

e-mail:


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

6th May 2017

Dear Madam/Sir,

Transport and Works Act 1992
The transport and Works (Application and Objections Procedure) (England and Wales) Rules 2006
Proposed Network Rail (Essex and others Level Reduction) Order

Reference: E47-Bluehouse Crossing

I write with reference to correspondence (AWP/LE/32028) from Bruton Knowles dated 30th March 2017.

I object to the closing of crossing E47 and the proposal to place a public footpath on our farmland.

During 2016 we hosted several visitors to the site of the railway crossing E47-Bluehouse and to Thorpe Park Farm to discuss Network Rail's proposed changes to the crossing.

From correspondence received, different companies now seem to be working for Network Rail on this matter. Hence I am delighted to write to you directly explaining why I believe that the crossing closure is wrong.

Please find enclosed a copy of a previous letter that I sent to Network Rail after I had visited their consultation at Colchester. All the points that I made in that letter are still relevant. However I would like to stress some additional factors that will impinge on the closure of crossing E47.

A The plan that has been circulated and displayed at the crossing totally fails to illustrate the topography and nature of the area.

There is a blind corner close to the exit of the footpath onto Pork Lane. (See photograph attached). This lane becomes ever busier as more and more properties are built in Great Holland and Kirby Cross. This lane typifies the meaning of a vehicular "rat run". Lorries regularly use this lane to avoid the low bridge in Kirby Cross. If Network Rail are truly concerned about safety, the existing pedestrian railway crossing with good signage, regular maintenance of the crossing and the vegetation, train whistling and the good clear vision of the railway track is a far safer option than the proposed footpath exit onto Pork Lane.

B The map fails to show the area of the field at the south west end of the proposed footpath being an uncultivated area for wildlife. There is a similar area at the north end of footpath EX/164/16 (within the same field). Indeed talking to a dog walker recently she told me of the owls seen early in the morning whilst walking her dog. The dog was not on a lead and roaming throughout our crop and this uncultivated area. The walker was not keeping to the footpath.

C The map fails to show the well head close to the railway line. The water from the well is used by the property at the southwest corner. This will be a potential hazard for any walker on the proposed footpath.

D The map fails to show the total lack of maintenance by Network Rail of the vegetation coming through from their property into our field. (See photographs attached). The large size of the trees clearly illustrates that little maintenance has been carried out for several years. The photographs also show the total lack of maintenance of the fence belonging to Network Rail, allowing easy access to the railway track.

E In my previous letter I raised the issue of animal health. Hence I enclose an article that illustrates the problems associated with the Neospora parasite.

F As dairy farmers we grow maize. The field shown on the plan is often cropped with maize which is conserved as part of the cows daily feed. When the crop is small it is very vulnerable to damage from any walker straying from the footpath.

In conclusion, the redirection of the proposed footpath will be unsafe and, on current evidence, not maintained to allow a two metre walking width. The farm will be losing an area of land that we can ill afford and there will be consequences for our dairy/arable farm as a result of this extensive footpath proposal.

With all the changes of agent personnel that have taken place in relation to this crossing proposal I trust that Network Rail will compensate us financially for any professional costs that our business has and will incur.

Thank you for your help in this matter. Please let me know if I can provide any further information.

Yours Faithfully,

Valerie and Douglas Roberts (Owners)

c.c. B. Young, Land Partners, The Old Stables, Lyons Hall Business Park,
Braintree, Essex CM7 9SH

Anglia Level Crossing Proposals
E47 – Bluehouse (Frinton and Walton Parish)
Public Right of Way Reference EX/164/16

Having visited your consultation at First Site, Colchester on 30th September, I write on behalf of my wife and myself as the landowners of the land on the northern boundary of the E47 crossing.

At the consultation we discussed with Andrew Kenning of Network Rail our objections to the plans as laid out in the documentation provided. I would like to expand on those objections.

You state in your presentation statement that you report that “only one response was received for the crossing, which stated “no objection to closure””. You do not state that there was a positive response to the additional footpath. The responses received from your further consultation have not accommodated our response to Richard Kemsley of Hamer Associates on 20th July 2016.

A) Pedestrian Safety

We see no reason to close the crossing on safety grounds. Your survey may indicate a D8 ALCRM score however in forty years of farming the land close by the crossing no incident has ever been brought to my attention. Indeed I wonder if there has ever been an incident on the crossing dating back beyond 1877 when I have a record of the Tendring Hundred Railway. The visibility at the crossing is excellent with only a single track to cross.

Can I suggest that the safety of users on any proposed footpath exiting on to Pork Lane, a single track road, is infinitely more dangerous with a sharp blind bend on the immediate north-eastern side. Having carted, by tractor and trailer, many loads of silage through this road, I know how dangerous that part of Pork Lane can be. I cannot emphasise this enough. Pork Lane has become a busy “rat run” for local traffic.

I note with interest that your vehicle in photo2 is parked where the proposed footpath would exit. Incidentally, your vehicle is parked on our land. We would fence off this access to any vehicle. We access this field from an adjoining field. We have never raised any objection to Network Rail or their contractors using this area of land as a parking area for their vehicles and accompanying materials. This is evidenced as there are several lengths of railway line from previous works lying in the grass.

Please note that whilst there are automatic half barriers on Pork Lane there is no sense that a walker has to concentrate on their crossing, unlike the climbing of the stile at the existing crossing which requires a walker to concentrate, stop, look and listen.

B) Footpath

We strongly object to an additional length of footpath on the farm. We are one of the very few remaining dairy farmers in Essex. Areas of the farm that we use for forage conservation are important to us. This field is one such area that is currently in the rotation for forage use. At present our cows do not graze this area but we could quite easily do so in the future. Our concern is that walkers often have dogs with them. Dogs can carry a condition in their faeces called Neospora if collected in the grass as silage or grazed and ingested by cattle it can cause abortion. We have had a problem with this condition in our dairy herd in the past and it is most unpleasant and damaging for the profitability of the dairy enterprise. There is no way that we can control the dogs that might use the proposed footpath.

Who will maintain the footpath? I cut a path through our maize crop this year but to my knowledge no maintenance of the footpath up to the B1033, the main road between Frinton on Sea and Thorpe Le Soken, has been carried out. With no verge maintenance next to the proposed footpath by Network Rail, pedestrians will be unable to walk within two metres of the boundary fence and hence will stray onto our farmed area.

I hope that you have noted the well on the footpath used by a nearby property.

As we explained to Andrew Kenning we have always tried to help Network Rail in what ever way we can. We have closed three crossings on the farm and accommodated any changes that have been required at "Three Gates" crossing. We ensure that you have access to the railway through the farm day and night.

We appeal to you to keep this crossing open and not be accused of a cost cutting option.

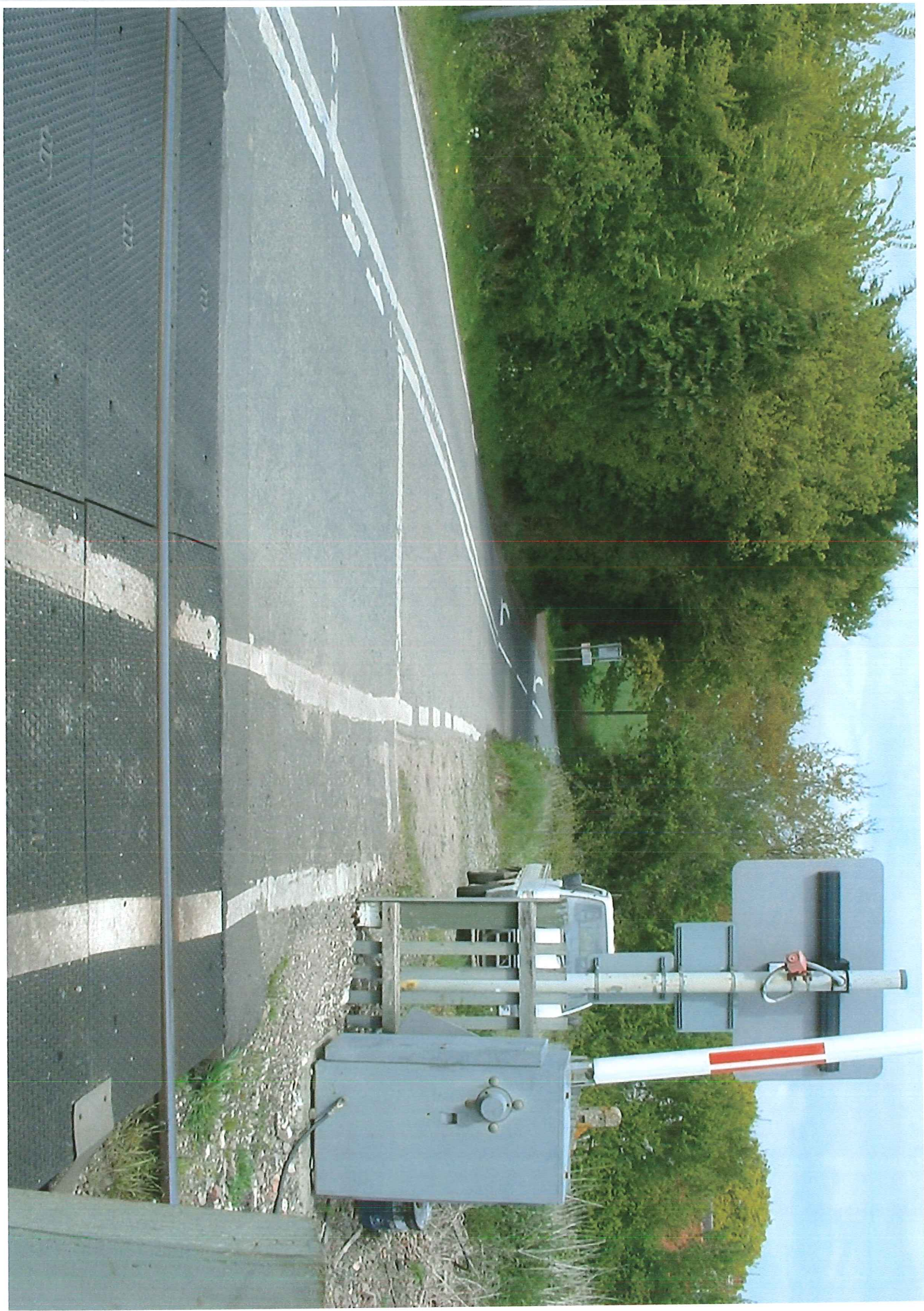
How interesting to note that during the good weather in June and July nobody used the crossing on the days of your census.

We make these objections with the full concern of users of the crossing, their safety and their physical exercise.

Valerie and Douglas Roberts
[REDACTED]

e-mail:

5th October 2016.





Dog muck caused up to 18 cows to abort.



Irresponsible dog walkers blamed for cow abortions

► Neospora parasite ingested from dog faeces

By Lauren Dean

A FARMER whose cattle aborted due to the neospora parasite has called for dog owners to be more responsible when walking through the countryside and to pick up after their pets.

David Talbot, of Lower Alston Farm, Ribchester, Lancashire, made the plea after more than a dozen of his prize pedigree Holstein Friesian cows aborted their calves.

The neospora parasite is often found in dogs' faeces. If they foul on grazing land and pregnant cattle ingest it, it will often cause them to abort or give birth to calves infected for life.

Mr Talbot said early abortion foetus tests came back positive for the parasite.

He said: "We have had probably 17 or 18 cows abort their calves now. "I think people are probably just not aware; their dog runs off but they are not going to walk across a field to pick up its poo."

Neospora is the most commonly diagnosed cause of abortion in cattle, with those infected up to seven times more likely to abort.

Major issues

Mr Talbot said it had caused major issues with his farm productivity and costings, leaving selective breeding his only future option.

"We have culled about half of the infected cows," he added.

"It is hard because it is out of our hands. The cows will always be a carrier of the disease now and are likely to pass it onto their offspring.

"We are going to have to try and eradicate it by breeding it out."

The parasite was last year added to the Cattle Health Certificate

Standards, which helps to control and eradicate diseases alongside improving cattle health and welfare.

Ian Nanjiani, of South West-based Westpoint Farm Vets, warned of the dangers of the 'tiny, invisible-to-the-eye' parasite neospora and urged dog owners to respect where they walk.

He said: "The reservoir of infection is mainly from dogs and the

contact with their poo is what does the harm.

"It is a huge problem because there is no available treatment or vaccine, so once cattle are infected often they remain with it for life.

"If we as dog owners – when walking on farm fields or public footpaths through farms – pick up poo and take it with us, it would substantially reduce the risk of infection."

Keep ban on neonicotinoids, wildlife groups urge Government

SEVENTEEN of the UK's biggest environmental groups, including Friends of the Earth, the RSPB and the Soil Association have called on the UK Government to retain the ban on neonicotinoid pesticides and extend it to all crops.

On the third anniversary of the EU ban, the organisations have written an open letter to Ministers which says there is now 'more than enough evidence' to support the ban and it is essential to keep it to reverse the decline of bees and other pollinators.

The latest position on neonicotinoids from Farming Minister George Eustice was given on October 26, when he said the Government was keeping emerging evidence under 'active review'.

In May this year, he rejected appli-

cations from the NFU and AHDB to allow farmers to use the seed treatments.

At the time, NFU vice-president Guy Smith said the rejection was a 'blow for arable farmers across the country' and the union would continue to look into making further applications.

Trouble

The Soil Association found itself in trouble last year when it allowed its growers to use azadirachtin to deal with pests.

The 'natural' pesticide, which is extracted from the Indian neem tree, was found to harm bumblebee reproduction and cause deformities, even at concentrations 50 times lower than those used by farmers.

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