

TRANSPORT & WORKS ACT 1992
APPLICATION FOR THE PROPOSED
NETWORK RAIL (ESSEX and OTHERS LEVEL CROSSING REDUCTION) ORDER

STATEMENT OF CASE ON BEHALF OF:

Christopher Scott Padfield
Department of Transport Reference: TWA/17/APP/05/OBJ/155

1. Introduction

- 1.1 This Statement of Case is submitted by Strutt & Parker LLP (S&P) on behalf of Mr Padfield in connection with his objection made against the proposed Network Rail (Essex and Others Level Crossing Reduction) Order.
- 1.2 Our original objection on behalf of Mr Padfield can be found in our email to the Secretary of State for Transport of 10th May 2017, attached as **Appendix A**.
- 1.3 This Statement of Case is submitted in response to a letter dated 25th May 2017 from Angela Foster of the Department of Transport under rule 7(3) of the Transport and Works (Inquiries Procedure) Rules 2004.

2. Background

- 2.1 Mr Padfield is the freehold owner of land to the south side of Southend Arterial Road, Great Warley, Brentwood, Essex. The land forms part of Codham Hall Farm, Great Warley, Brentwood, Essex CM13 3JT. The title to the land is registered, along with other land, at the Land Registry under title number: EX653586.
- 2.2 The land at 2.1 is identified on the plan at Appendix B.
- 2.3 The land at 2.1 is occupied and farmed by the Partnership of S&J Padfield and Partners of which Mr Padfield is a partner.
- 2.4 Both Mr Padfield and his land have no connection to the right of way that crosses the railway line at level crossing E28, Whipps Farmers.

3. Impact of Order

- 3.1 Network Rail propose to create a new footpath between P381, P382 and P383 on sheets 56 and 57 of the Order. The land between these points is owned by Mr Padfield.
- 3.2 Currently there is no public right of way along this route. Creating a new footpath will take productive agricultural land out of production and will impact on Mr Padfield's ability to use his field.
- 3.3 We can see that Network Rail are trying to connect users of footpath EX/272/178 to the crossing at Puddle Dock which is due to be retained. We suggest in 4.1 an alternative which we consider to be more effective than the section highlighted pink on the plan at Appendix C.
- 3.4 We have not seen any explanation or justification for Network Rail's proposal for a further section of footpath from Puddle Dock to P383. We highlight this in orange on the plan at Appendix C. This seems excessive and ultra vires.
- 3.5 In our submission of the 10th May we commented that Mr Padfield believes that the only contact with representatives of Network Rail in this matter has been one telephone call from which he came away believing there were no proposals affecting his land.

4. Proposed Alternative

- 4.1 We have proposed an alternative footpath route. On the plan at Appendix C we have shown this highlighted in blue. This route connects EX/272/178 to EX/272/179 and thereby provides access to Puddle Dock as well as to EX/272/183 completing the original intentions of Network Rail's proposal whilst impacting upon less land.
- 4.2 We believe that this option will result in a significantly reduced cost for Network Rail to implement both in terms of physical infrastructure required and compensation payable.
- 4.5 We ask you to undertake a site inspection to look at this situation.

5 Summary

On behalf of Mr Padfield we submit that the proposed new footpath is entirely unnecessary and ill-conceived by Network Rail. We request that you strike out their proposal and that an alternative provision is made.

Signed for and on behalf of Mr Padfield:



Alexander Creed for Strutt & Parker LLP

4th July 2017

Appendix A: Objection Email 10th May 2017

Appendix B: Ownership Plan

Appendix C: Plan of Network Rail Proposals and Proposed Alternative Route

Susan Holmes

From: Alexander Creed
Sent: 10 May 2017 14:05
To: 'transportandworksact@dft.gsi.gov.uk'
Subject: Network Rail Essex and Others Level Crossing Reduction Order
Attachments: C Padfield - E28 Whipps Farmers.pdf

Dear Sirs

We are instructed by Christopher Padfield of S & J Padfield and Partners who are the owners of land affected by the proposal for E28 – Whipps Farmers Level Crossing in the Brentwood District.

We are instructed to object to the proposed creation of a new footpath in our client's fields and we raise objections on the following points:

1. That the combined areas that we have highlighted in pink and orange on the attached drawing (no. MMD - 367516-E28-GEN-005) create a new footpath on our client's land. This new route is also shown between points P381, P382 and P383 on sheets 56 and 57. We consider that this new footpath is entirely unnecessary when a much simpler solution would be to create a new route either going across the blue line as shown on the plan or perhaps, if more practical on the ground, following the appropriate field boundary to give a similar affect.

We understand the point of needing to join footpath EX/272/178 into the existing rights of way network and reconnecting it with footpaths EX/272/179 and EX/272/180 to enable walkers to reach the Puddle Dock Level Crossing.

We believe that this can be much more simply done using an alternative route as suggested highlighted blue.

2. The area of footpath that we have highlighted in orange which appears to be connecting EX/272/180 to EX/272/183 creates an entirely new right of way that has never existed and never been shown to be required. We do not see why this should be acquired over our client's land.

Our client advises us that they have only had one phone call with representatives of Network Rail which they came away from believing that there would be no new footpaths across their landholding. They have no objection to the closure of Level Crossings and fully understand the important safety requirements to do so.

We look forward of hearing the outcome of your consideration of this objection.

Yours faithfully

Alexander Creed

Partner

Strutt & Parker LLP, Coval Hall, Chelmsford, Essex CM1 2QF

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Mobile +44 (0) 7947 453432

Secretary: Susan Holmes, Telephone: +44 (0) 1245 254695



**STRUTT
& PARKER**

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E28 Whippas Farmers Proposal
Private: Existing private rights removed, users divert to new private access track to the south
Public: Existing footpath rights removed, users divert to alternative Puddle Dock footpath level crossing to the west
Infrastructure: Proposed fencing to tie in to existing features on both sides of the railway, Type F7 (length approx 5m)

E28 - Whippas Farmers

Proposed 2m wide footpath
in field margin: Type P1

New pedestrian
crossing point

Use of existing
culvert

Proposed 2m wide footpath
in field margin: Type P1

Puddle Dock

POT Ref: TWA/17/AR/05/0B/155
Mr CS Redfield
Ownership

Proposed 3.5m wide crushed concrete surfaced field
access track with 1m wide verges, length 30m

Road verge to be kept
clear by highway authority



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)
 - Roadsted byway (public)
- The line styles above illustrate the type of right of way extent 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)
 - Carrageway 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 features)

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

- The layout shown on this drawing is indicative and may be subject to change at detailed design.
- This drawing should be read in conjunction with the Essex, Southend-on-Sea, Havering, Hertfordshire and Thurrock Design and Guide (Ref: 367516/RP1024) which contains details of the infrastructure types referred to in this drawing.

Network Rail
Anglia Level Crossing
Reduction Strategy

M MOTT MACDONALD
Design Freeze Proposals

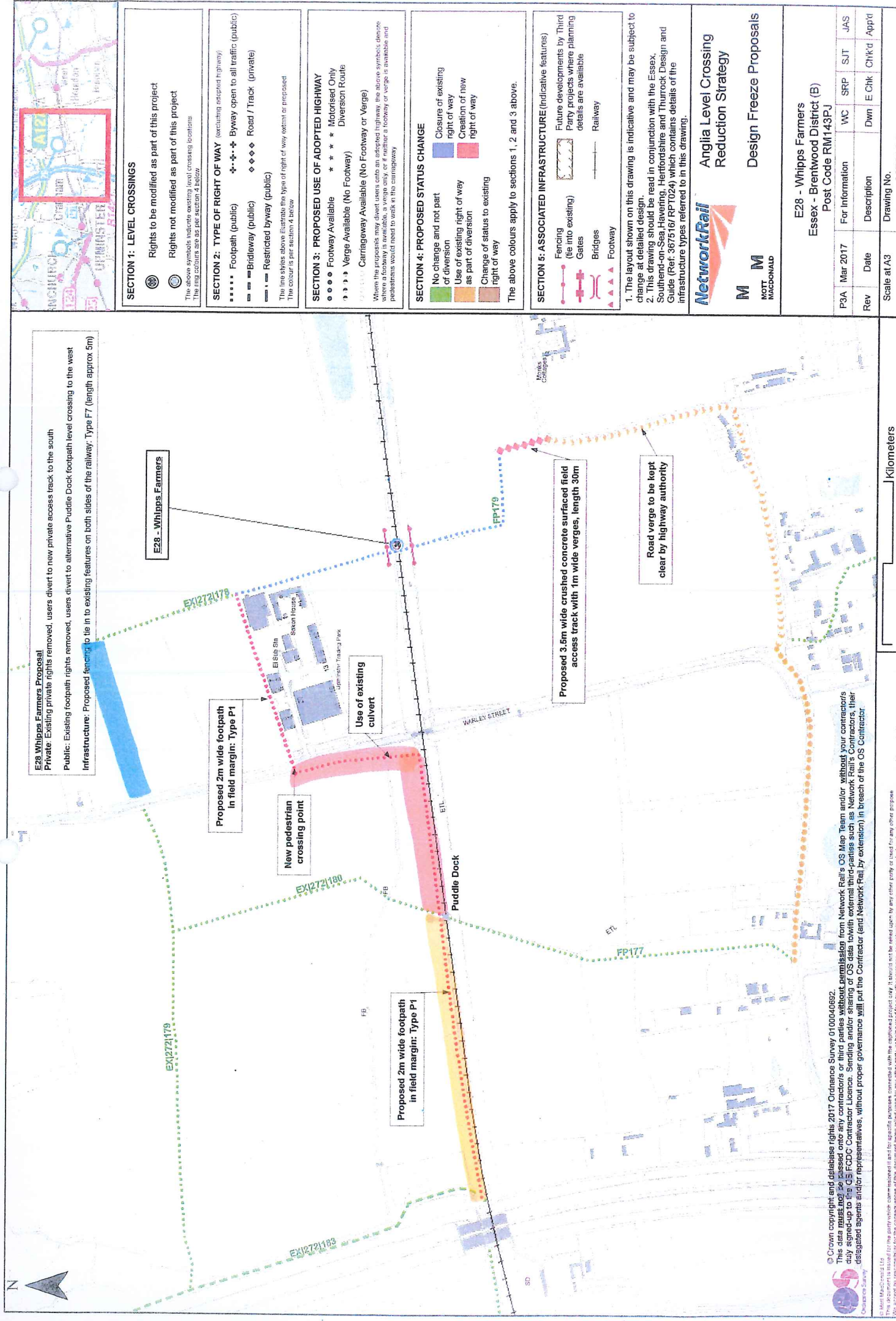
E28 - Whippas Farmers
Essex - Brentwood District (B)
Post Code RM143RJ

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

Scale at A3
MMD - 367516-E28-GEN-005

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E28 Whippa Farmers Proposal
Private: Existing private rights removed, users divert to alternative Puddle Dock footpath level crossing to the south
Public: Existing footpath rights removed, users divert to alternative features on both sides of the railway. Type F7 (length approx 5m)
Infrastructure: Proposed fencing to tie in to existing features on both sides of the railway. Type F7 (length approx 5m)

E28 - Whippa Farmers

Proposed 2m wide footpath
in field margin: Type P1

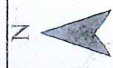
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SECTION 2: TYPE OF RIGHT OF WAY (excluding adopted highway)

- 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 extent 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)
 - Motors Only
 - Diversion Route
- Where the proposed may divert users onto an adopted highway, the above symbols denote where a footway is not available and a footway or verge is available and pedestrians would need to walk in the carriageway

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**Anglia Level Crossing
Reduction Strategy**

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MOTT
MACDONALD**

Design Freeze Proposals

E28 - Whippa Farmers Essex - Brentwood District (B) Post Code RM143PJ			
P3A	Mar 2017	For Information	WC SRP SJT JAS
Rev	Date	Description	Dwn E Chk Chk'd App'd
Scale at A3		Drawing No.	

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