

FB/AS/CP2356

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

The Black Barn  
Lubards Farm  
Hullbridge Road  
Rayleigh  
Essex  
SS6 9QG

Phone: 01268 783377  
Fax: 01268 783388

**Also by email to:-**

[transportandworksact@dft.gsi.co.uk](mailto:transportandworksact@dft.gsi.co.uk)  
[alcross@networkrail.co.uk](mailto:alcross@networkrail.co.uk)

[www.whirledgeandnott.co.uk](http://www.whirledgeandnott.co.uk)

11<sup>th</sup> May 2017

Dear Sir/Madam

**OBJECTION TO PLOT 19 (1,125.02M<sup>2</sup> OF ARABLE LAND, SHRUBERY, PUBLIC ACCESS TRACK AND PUBLIC FOOTPATH (EX/105/47) TO THE NORTH-EAST OF POTTERS CROSSING, RIVENHALL, ESSEX) FOR AND ON BEHALF OF MR H SIGGERS, MR B SIGGERS, MRS J SIGGERS AND MRS D SIGGERS [THE SIGGERS FAMILY] AND H SIGGERS AND SON**

**OBJECTION TO PLOT 20 (47.59M<sup>2</sup> OF ARABLE LAND AND PRIVATE ACCESS TRACK TO THE NORTH-EAST OF POTTERS CROSSING, RIVENHALL, ESSEX) FOR AND ON BEHALF OF MR H SIGGERS, MR B SIGGERS, MRS J SIGGERS AND MRS D SIGGERS [THE SIGGERS FAMILY] AND H SIGGERS AND SON**

## **1.0 Notices**

The Siggers Family jointly received notices dated 30<sup>th</sup> March 2017 on behalf of Network Rail under the Transport and Works Act 1992, the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and the proposed Network Rail (Essex and Others Level Reduction) Order in relation to various plots of land owned by The Siggers Family. For the avoidance of doubt, this letter is in response to the notices received for Plot 19 and Plot 20 and is given on behalf of The Siggers Family individually, collectively and as the H Siggers and Son partnership. I attach a scanned copy of the plans, for information, with Plot 19 and Plot 20 outlined red for administrative purposes.

## **2.0 Background**

The Siggers Family have farmed in Kelvedon since 1913 and are now the fourth generation to farm this land. The land referred to in Plot 20 is the only access to land owned by The Siggers Family which lies south of the Liverpool Street to Norwich railway line and extends to approximately 60 acres (the "Land").

### **3.0 Prior Negotiations**

The Siggers Family were contacted by an agent representing Network Rail approximately one year ago. Informal discussions took place between The Siggers Family and Network Rail regarding the possible closure of pedestrian crossing (although at no point was compulsory purchase of any land owned by The Siggers Family ever discussed with The Siggers Family). The Siggers Family put forward an alternative proposal for relocating the footpath as shown marked green on the plans and joining the existing footpath network coloured blue on the plans. They were given the impression Network Rail would seriously consider this alternative, and that they had no issue with the alternative and might be minded to agree the proposal. Network Rail never responded or commented on The Siggers Family proposal.

### **4.0 Network Rail Notice**

The Siggers Family then received the enclosed notice to acquire rights in land compulsorily for Plots 19 and 20 without any further consultation or negotiation. The notices relating to Plots 19 and 20 are for compulsory purchase, however the notice in relation to Plot 18 is for temporary rights only.

### **5.0 Objection**

Given the above compulsory acquisition of land and that The Siggers Family have never been consulted on such proposed compulsory acquisition The Siggers Family hereby formally object to the notice and proposal to acquire the land at Plots 19 and 20.

The notice served in relation to Plots 19 and 20, refer to land north east of Potters Crossing, however the plan indicates the land lies south west of Potters Crossing. The Siggers Family therefore believe the notice served in relation to Plots 19 and 20 to be flawed and ineffective.

### **6.0 The impact**

If compulsory rights were to be acquired over Plot 19 (and 20) it would have the following impact on The Siggers Family and the unsecured land:

#### **6.1. Trespass**

The Land lies adjacent to a residential area and a busy road. It has always been the subject of trespass. Prior to erecting a locked gate The Siggers Family experienced all of the following issues arising out of trespass;

- 6.1.1. Some walkers tried to create an informal access/shortcut to the public footpath walking over or through crops, damaging those crops and causing losses.
- 6.1.2. Some trespassers brought vehicles (motorbikes and cars) on to the land for off-roading or joy-riding similarly causing damage to crops by driving over or through those crops, setting fire to the vehicles and abandoning those vehicles within the crops, and so on. When the vehicles were abandoned or burnt out then they not only would have to be cleared up but sometimes the soil underneath would have to be removed to prevent contamination.
- 6.1.3. When working within the field it is sometimes necessary or prudent to leave machinery within the field overnight part-way through cultivations and operations.

The Siggers Family have experienced vandalism or theft when machinery has been left in the field where there is inadequate security.

- 6.1.4. As is necessary under good husbandry and crop management The Siggers Family undertake pest control on the land including shooting. This becomes more difficult or dangerous when a field is subject to trespass.
- 6.1.5. The Siggers Family have been the subject of illegal fly-tipping where land is left unsecured with consequent costs and potential insurance claims.
- 6.1.6. Where trespass is prevalent The Siggers Family have also found that items abandoned within the crop can damage machinery and particularly combine harvesters at busy times of year as they cannot be seen and are picked up by the machinery when undertaking activities such as harvesting causing major damage at a busy time of year.

## 6.2. Maintenance

If Network Rail did obtain rights over the track, their use may cause the surface to degrade. The Siggers Family would therefore require any user to contribute towards the maintenance of the track.

## 7.0 The Current arrangements

For the above reasons it is critical to maintain a locked gate at the entrance to the Land due to the issues previously encountered and its proximity to a built up area. From The Siggers Family's experience of working with Network Rail elsewhere in the past and due to the variety of staff and contractors associated with Network Rail it has not been possible to satisfactorily maintain security. A simple padlock and key system does not work because the bureaucracy of Network Rail and the number of users cannot cope. Similarly a combination lock system does not work because Network Rail have to tell so many people the number that it immediately becomes insecure in practice.

Currently the Land is gated, with a contact number displayed on the gate. The Siggers Family have over the last few years received occasional calls from Network Rail engineers requiring access up the track for inspection. The Siggers Family have then opened the gate and allowed access to the engineers at no cost, which we see no reason in why this arrangement cannot continue.

## 8.0 The Consequence

As a result of the above The Siggers Family are extremely concerned that the Land will become the subject of trespass as previously and this will have consequent impacts on farming the land both in cost and time. It will also restrict the use of the land such that it could not be used for grazing livestock which is an enterprise which is particularly sensitive to trespass.

Other operations would also be restricted. It would be too high risk to store straw bales on the land as they may be broken or set light to. Trespassers on the Land may permit dog fouling or leave debris on the field such as broken glass which would restrict cropping such that crops which go directly into the human food chain can no longer be grown.

Should Network Rail proceed with acquiring rights over land The Siggers Family would like to have the ability to relocate the route in the future to an alternative route should the Land use change.

Please could the exact intended right of the land be clarified so The Siggers Family understand if this will affect their access to the Land.

## **9.0 Intended Use**

Given the curtailed consultation The Siggers Family are still unclear as to the reason for the compulsory purchase of Plot 19 and 20 and the activity that would be associated with Plot 19 and 20 and they would like further consultation so that they better understand how and when Plot 19 and 20 would be used, how it will impact on the Land and what accommodation works or mitigation can be introduced.

- 9.1. For all of the above reasons The Siggers Family and H Siggers and Son object in the strongest terms to the proposal and
- 9.2. The Siggers Family would like further consultation to see whether a mutually satisfactory alternative can be achieved.

## **10.0 Compensation**

Should Network Rail move forward with the above scheme and close Potters Crossing the further compensation matters will need to be addressed on all plots. This should include but not be limited to the following;

- 10.1. Crop loss, compensation and appropriate legal and professional fees should be paid to my client for any disturbance.
- 10.2. An easement right and payment should be made for acquiring a permanent right over my clients land in relation to the green area (plot 5). No permanent right should exist over any of the other plots contained within the relevant notices.
- 10.3. Payment should be made for any temporary use of land to accommodate the works.

## **11.0 Summary**

In summary, The Siggers Family support the closure of the footpath at Potters Crossing and the diversion of the footpath on the route shown green and onto the existing footpath marked blue on the plan. The Siggers Family understand and support temporary access only to the site to enable closure works to be undertaken for the avoidance of doubt this includes temporary access over Plot 19 and 20.

The Siggers Family individually, collectively and as the H Siggers and Son partnership formally object to the compulsory purchase of Plot 19 and 20 as approximately outlined red on the plan.

## 12.0 Way Forward

We look forward to hearing from you with a response of how the above will be addressed.

Yours Faithfully



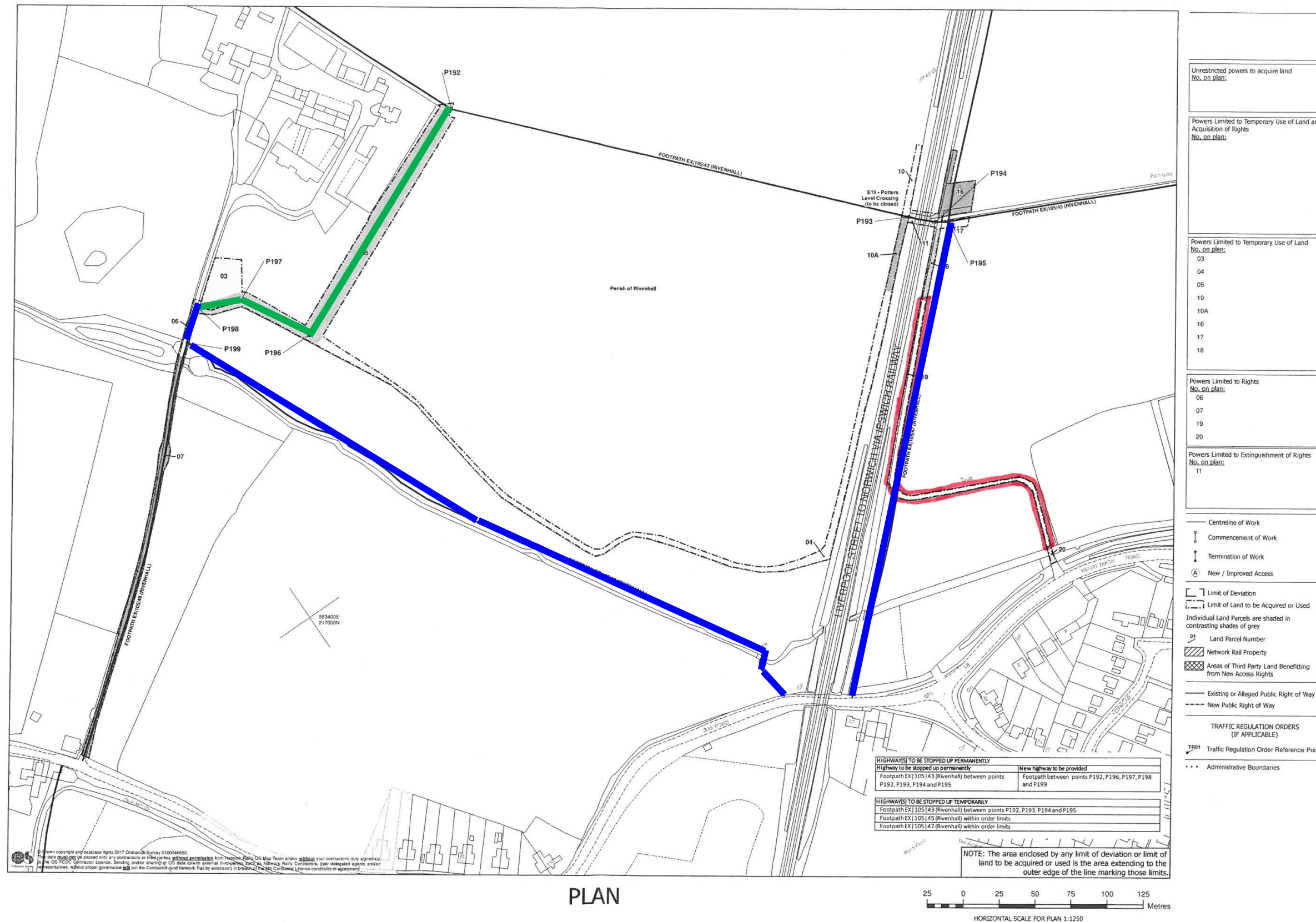
**FREDDIE BOTFIELD MRICS FAAV**  
[f.botfield@whirledgeandnott.co.uk](mailto:f.botfield@whirledgeandnott.co.uk)



Plot 19

Transport and Works Act 1992  
The Network Rail (Essex and Others Level Crossing Reduction) Order  
COUNTY OF ESSEX, DISTRICT OF BRAINTREE  
PARISH OF RIVENHALL

Sheet 29  
E19 - Potters  
Level Crossing

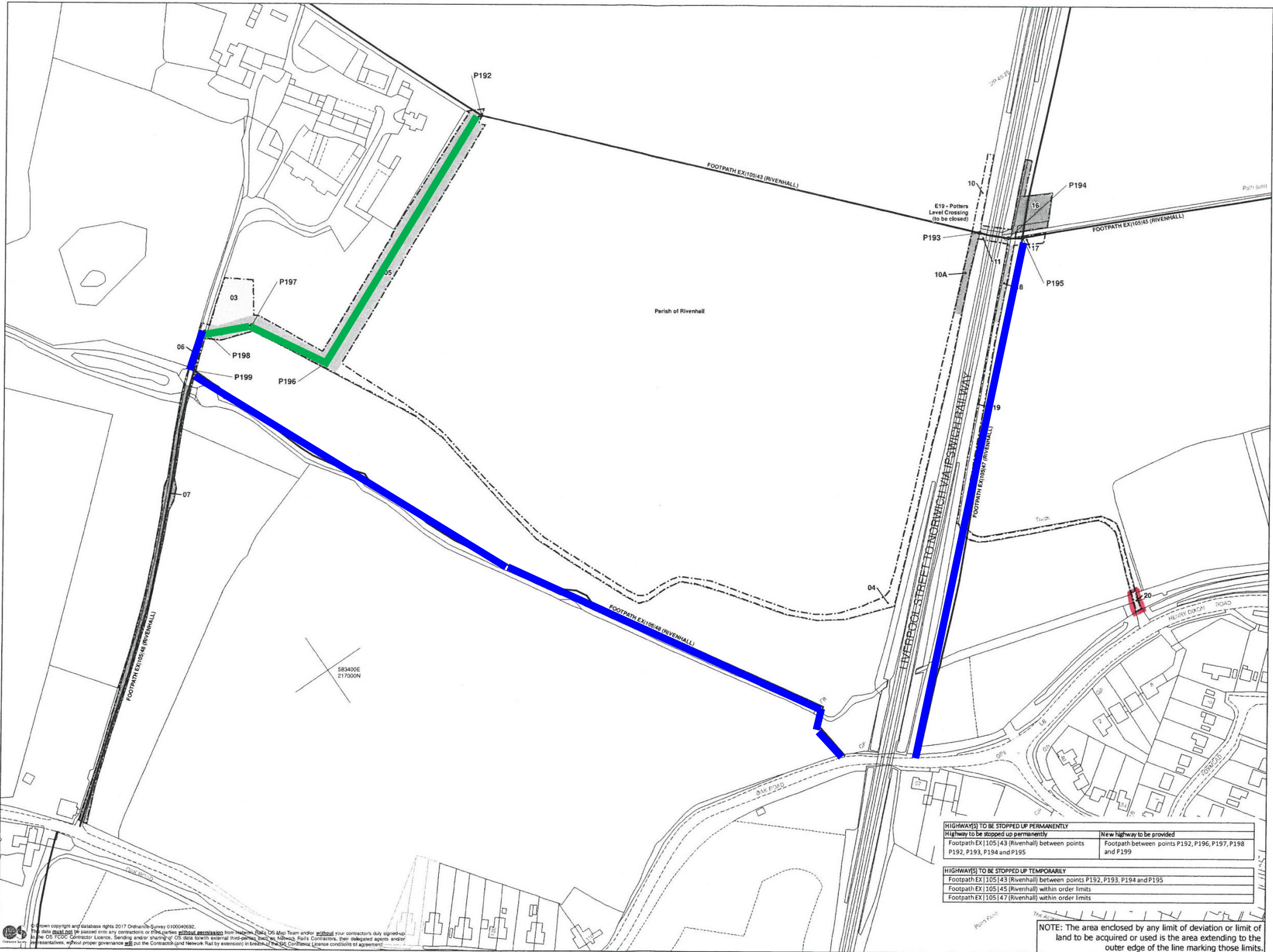




Transport and Works Act 1992  
The Network Rail (Essex and Others Level Crossing Reduction) Order  
COUNTY OF ESSEX, DISTRICT OF BRAINTREE  
PARISH OF RIVENHALL



Sheet 29  
E19 - Potters  
Level Crossing



Unrestricted powers to acquire land  
No. on plan:

Powers Limited to Temporary Use of Land and  
Acquisition of Rights  
No. on plan:

Powers Limited to Temporary Use of Land  
No. on plan:  
03  
04  
05  
10  
10A  
16  
17  
18

Powers Limited to Rights  
No. on plan:  
06  
07  
19  
20

Powers Limited to Extinguishment of Rights  
No. on plan:  
11

- Centrelne of Work
- Commencement of Work
- Termination of Work
- New / Improved Access
- Limit of Deviation
- Limit of Land to be Acquired or Used
- Individual Land Parcels are shaded in contrasting shades of grey
- Land Parcel Number
- Network Rail Property
- Areas of Third Party Land Benefitting from New Access Rights
- Existing or Alleged Public Right of Way
- New Public Right of Way
- TRAFFIC REGULATION ORDERS (IF APPLICABLE)
- TR01 Traffic Regulation Order Reference Point
- Administrative Boundaries

HIGHWAYS TO BE STOPPED UP PERMANENTLY	
Highway to be stopped up permanently	New highway to be provided
Footpath EX105/43 (Rivenhall) between points P192, P193, P194 and P195	Footpath between points P192, P196, P197, P198 and P199
HIGHWAYS TO BE STOPPED UP TEMPORARILY	
Footpath EX105/43 (Rivenhall) between points P192, P193, P194 and P195	
Footpath EX105/45 (Rivenhall) within order limits	
Footpath EX105/47 (Rivenhall) within order limits	

NOTE: The area enclosed by any limit of deviation or limit of land to be acquired or used is the area extending to the outer edge of the line marking those limits.

PLAN

25 0 25 50 75 100 125 Metres