

Caroline O'Neill

From: Dinelli de Silva <Dinelli.deSilva@struttandparker.com>
Sent: 08 May 2017 12:29
To: TRANSPORTANDWORKSACT
Subject: Transport and Works Act 1992 - Notice Nos. 925, 926 and 927
Attachments: Objection Letter to Secretary of State - 8.5.2017 - CAL.pdf


Please find attached letter sent today relating to the above matter.

Kind regards

Charles Loyd MRICS

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The Secretary of State for Transport
c/o Transport and Works Act Orders Unit
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Our ref: CAL/DD/CAB10/5Bad/5

8th May 2017

Email to: transportandworksact@dft.gsi.gov.uk

Dear Sir

**Transport and Works Act 1992
Proposed Network Rail (Essex and Other Level Crossing Reduction) Order
Notice Nos. 925,926 and 927**

We write on behalf of Peter Leslie Harris and his co-Trustees being the owners of the land to which the above Notices refer.

We wish to formally object to the Order in respect of the above Notices on the following grounds.

1. The chosen location for the new footpath abuts the railway embankment along which are located some 400-500 Poplar Tree stems. Those trees are unstable and liable to fall over thereby creating a hazard for members of the general public. At present there are no public rights of way along the intended route, meaning that when trees fall over, they do so without risk to human life and they can then be cleared by the landowner at an appropriate timescale to fit in with agricultural operations. The proposal to locate a public right of way along the track will expose our clients to a liability that they currently do not have. There will be an additional financial cost resulting from the necessity to remove the fallen trees immediately in order to comply with the legal requirement to prevent footpaths being blocked.
2. Our clients will withdraw the objection provided that the acquiring authority fell the poplar trees at their cost and provide the timber to our clients and then subsequently spray off the poplar re-growth to ensure that the trees do not re-grow, thereby removing the liability once and for all.
3. The railway embankment contains a significant number of rabbits which cause uneven surfaces in the field where the footpath is proposed to be located thereby creating hazards for members of the general public who will use the footpath. In order to prevent this, a rabbit proof fence is required to be erected against the boundary of the railway embankment thereby delineating the extent of the footpath and preventing damage to the footpath, which will become the liability of our clients once the footpath route is confirmed.

Please accept this letter as formal notice of objection and all future correspondence in the matter should be directed to Charles Loyd MRICS at Strutt and Parker LLP, 11 Museum Street, Ipswich IP1 1HH.

Yours faithfully

Strutt and Parker LLP