

From: John Gandy <jsg@ugroup.co.uk>
Sent: 10 May 2017 12:13
To: TRANSPORTANDWORKSACT
Subject: Network Rail Essex and Others Level Crossing Reduction Order
Attachments: NWR Letter to SoS SIGNED dtd 10 05 2017.doc.pdf

Dear Sir / Madam,

Please find attached our letter dated 10th May 2017, the original of which has also been sent by registered mail, with regard to our objections and representations in respect of the above, ahead of the deadline specified of 12th May 2017.

I / we may be contacted further at the contact address and numbers below, and on this email, all of which is confirmed within the attached letter.

Yours faithfully, John.

JOHN GANDY

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10th May 2017

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
33 Horseferry Road
London SW1P 4DR

By registered post and email to "transportandworksact@dft.gsi.gov.uk

Dear Sir / Madam,

Network Rail (Essex and Others Level Crossing Reduction) Order

I am writing to you as the appointed representative of both the Owner, Mr Iain Liddell and the Lessee, Operator and Occupier, Cromwell Manor Functions, of Cromwell Manor, Pitsea Hall Lane, Pitsea, Essex SS16 4UH whose land is held under HM Land Registry Title numbers EX409530 and EX514360, which is the subject of the proposal to divert a public right of way through those property holdings.

Cromwell Manor contains a residence occupied by one of the Owners and Directors of Cromwell Manor functions and the building and grounds are operated as an events venue as detailed herein.

Both the Owner and the Lessee / Operator / Occupier, together and separately ("we" and the "Parties") strongly oppose and object to the proposal on a number of grounds, as follows:-

1. We contend that the efficiency of the railway is not materially affected by the crossing, as the railway has been operating through this level crossing successfully for numerous years and the removal of the crossing will not eliminate nor reduce the impact of the level crossing just to the east of the subject level crossing.
2. Whilst we understand the desire to remove the level crossing from the operating railway lines on the grounds of safety, we consider that this should be achieved by

Network Rail without impacting third parties and the landholdings of third parties. This could be achieved by constructing a footbridge which could and should be constructed and maintained by Network Rail without the need for diverting the vast majority of the existing footpath / right of way through third party land holdings, effectively transferring their problems onto others.

3. Due to the proximity of another level crossing to the east of the subject level crossing, the benefit of removing the subject level crossing must have a minimal benefit and cannot justify the impact on the Parties land holdings as outlined herein.
4. Creating a footpath along the route shown (the southern boundary of land Title number EX409530) actually dissects and separates the total landholding of the Owner and the Lessee / Occupier who at present have the use and freedom of both parcels (Titles numbers EX409530 and EX514360). This would adversely affect the rights of those Parties and we do not consider that this draconian impact as proposed can be justified and an alternative solution should be found without the need to impact the Parties rights upon their own land.
5. By creating the proposed footpath along that southern boundary, the proximity of the footpath to the grounds would remove the privacy enjoyed and required by the business of the Parties at Cromwell Manor which specifically markets itself for exclusive and private functions including corporate functions, weddings, funerals and alike, along with other outdoor events such as "markets" / fairs, all of which make use of the grounds of the property. The removal of that privacy and the fact that members of the public will have over-sight and be able to walk past such events will act as a deterrent to many and probably most potential customers that value, expect and pay for that privacy, and as such removal of that privacy will impact upon the commercial viability of the business operated from the property.
6. A large part of that marketability relies upon the privacy for photographs and the uninterrupted views over the Parties landholdings, and this will be severely impacted by the proposed route of the public right of way to the point that the exclusivity and privacy will be completely eliminated. That will severely impact upon the business held within Cromwell Manor and its grounds.
7. The same issue applies to security that will be compromised by the ability and right of third parties / members of the public to use the proposed footpath / right of way, and apart from compromising security itself, it will act as a deterrent to potential customers, it will impose an additional cost burden to maintain security to that boundary, all of which will further impact upon the commercial viability of the business operated from the property.
8. Furthermore the need to erect a physical security fencing between the footpath and both boundaries, which would be required on health and safety as well as security grounds, would further impact upon the views and photographic benefits of the location making the location significantly less attractive as a venue which will affect revenues and further impact the financial viability of the business that operates out of the building and from within its grounds.
9. At this point in time, we would mention that the business at Cromwell Manor is only just viable and any impact upon the same may well result in a material change to the business that will both affect employment and reduce the contribution and justification for the physical maintenance of Cromwell Manor, a Listed Building that is an Historic Asset.

10. The contiguous nature of these two parcels of land also permits such events as clay shooting to be carried out across and within these contiguous land-holdings, and the division of the land into two as a result of the proposed footpath will create a safety issue and may in fact mean that such events cannot be held on health and safety grounds. No alternative location could accommodate such an event other than across the proposed route of the right of way.

In summary, the proposed location of the public footpath within the landholding of the Parties will substantially impair the use of the property by the Parties and their customers and will have a materially detrimental impact on the business viability of Cromwell Manor and the Parties, which may well result in the closure of the business and an uncertain future for the building and grounds.

We therefore believe that the proposals will unjustifiably affect the rights of the Parties and their property interests, and also adversely affect the business undertaken as part of the land ownership and cannot be justified in any event, but particularly given alternative solutions.

We therefore strongly oppose the proposal, as indeed we have indicated on a number of occasions during the last three years when consulted by various parties on behalf of Network Rail, copies of which we can forward if requested, although presumably you should have this available to you already.

We urge Network Rail to find an alternative solution, either by way of a footbridge which would address the issue without significantly impacting third party landholdings, or finding a different alignment to avoid the Parties property.

In the event that an alternative solution is not progressed and as a consequence these proposals are pursued by Network Rail, we will have no option but to formally appoint legal representation, the costs for which we will seek to recover, and will seek a Public Enquiry into these proposals due to the severe impact on the Parties property and business as outlined above.

Please ensure that any further correspondence is sent to both Iain Liddell as Owner, Cromwell Manor Functions as Lessee, Operator and Occupier, and to myself as their representative at Upminster Court, 133 Hall Lane, Upminster, Essex RM14 1AL and by email to myself at jsg@ugroup.co.uk.

Yours faithfully,



John Gandy
Property Director

