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FIRST CLASS POST

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



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Our ref : JJR/SJ/ICAR198/1
Your ref :
Date : 12 May, 2017

BY POST AND EMAIL

transportandworksact@dft.gsi.gov.uk

Dear Sir,


Re : Network Rail (Essex and Other Level Crossing Reduction) Order

Reference Sheet No. 09

Ronald James Carpenter and Brenda Dorothy May Carpenter ("the Landowners")

We act on behalf of our above named Clients, and enclose herewith Objections and Representations by way of service.

Yours faithfully,



Whiskers LLP
Solicitors & Notaries

Email : john.roberts@whiskers.co.uk

Whiskers LLP Solicitors & Notaries is a Limited Liability Partnership registered in England and Wales with number OC333341.

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THE NETWORK RAIL (ESSEX AND OTHER LEVEL CROSSING REDUCTION) ORDER

Reference Sheet No. 09

H05 – Pattens, H09 – Fowlers and H06 – Gilston Level Crossings

OBJECTIONS AND REPRESENTATIONS ON BEHALF OF RONALD JAMES CARPENTER AND BRENDA DOROTHY MAY CARPENTER ("the Landowners")

Background

We have been instructed by the Landowners to act on their behalf in respect of the closure of proposed crossings and the dedication of public rights of way over private land that they own.

The Landowners' ownership is shown on the attached plan cross hatched green, blue, brown and orange.

Approximately 18.41 acres (7.437 hectares) is situated on the eastern side of the Liverpool Street to Ely railway and 12.47 acres (5.037 hectares) on the western side of the Liverpool Street to Ely railway. At the present time, Footpath 022 (Thorley) runs across the southern part of their land, mostly on the western side of the railway, but partially on the eastern side.

Footpath 022 (Thorley) has an approximate length across the Landowners' land of 125 metres.

The new footpath proposed between points P048, P052, P053 and P060A amounts in length to 790 metres.

The new footpath between point P052 and P055 amounts to 50 metres and between points P051, P054 and P053 amounts to 615 metres. It should be noted that the footpath between points P051 and P054 falls outside land owned by the Landowners.

Currently the Landowners have a 125 metre run of footpaths over their land, whereas it is proposed that this will increase to a footpath length of 940 metres.

The footbridge situated at P054 is owned and maintained by the Landowners – no liability should be attached to them for the increased traffic and increased financial burden of maintain this footbridge.

Notice Number	Network Rail Proposal	Objection
179 and 180	The compulsory purchase of rights in the land described in Schedule 1 below. Plot No. 06 on attached plan. 143.06 sqm of grassed private access way east of London Road, Thorley, Hertfordshire	The Notice fails to state what rights are to be acquired. For the purposes of this response it is assumed that the rights are rights of way on foot and with vehicles for the purpose of accessing the rail track from the public highway, the A1184 and for routine maintenance and in emergencies subject to reasonable notice, save in emergencies, and

		subject to reinstatement of all damage occasioned and upon payment of a reasonable proportion of the costs of maintenance and repair. OBJECTION is taken to any further or additional rights on the grounds that the same are unjustified, unnecessary and unreasonable.
181 and 182	The compulsory purchase of rights in the land described in Schedule 1. Plot No. 07. 7.66 sqm of grassland and shrubbery east of London Road and west of Fowlers level crossing, Thorley, Hertfordshire	See response to Notice 179.
184 and 185	The temporary use of land described in Schedule 1. Plot No. 09. 163.04 sqm of grassland and shrubbery east of London Road, Thorley, Hertfordshire	<p>This Notice is to be read in conjunction with Notices 193 (Plot 15), 196 (Plot 16), 216 (Plot 23), 218 (Plot 24), and 220 (Plot 24A), also Notices 1589 (Plot 8) and 1591 (Plot 11) served the 10th May 2017.</p> <p>Sheet 09 contains a notation suggesting that the Plots referred to above will be the subject of a new footpath referenced as being between point P048, P052, P053 and P060A. Also, between points P052 and P055, and between points P051, P054 and P053.</p> <p>The Notices referred to above refer only to the "temporary use of land". The Notices do not refer to the Dedication of Public Rights of Way over private land and no Notices concerning either the dedication of public rights or the compulsory acquisition of rights have been served or received in respect of such Plots.</p> <p>Further, the proposed new footpath would appear to include also Plot 8 and Plot 11 as shown on Sheet 09. Notices in respect of Plots 8 and 11 were not served until the 10th May 2017.</p> <p>OBJECTION is made to the proposed new footpath and the Dedication of Public Rights of Way over private land on the grounds that no service of appropriate and necessary Notices has been made.</p> <p>Further, and/or in the alternative OBJECTION is made to the proposed new footpath between points P048 and P052 on the grounds that public footpath 022 (Thorley) can be conveniently diverted between points P048 and P055 via the existing public highway, being the pedestrian</p>

		<p>pavement on the east side of the A1184. It is noted that Network Rail drawing number NMD - 367516-H09-GEN-003 dated the 16th August 2016 shows the diversion of footpath 022 (Thorley) along the said highway. It is further noted that the said drawing shows the diversion of public footpath 001 (Thorley) also along the existing public highway, the A1184.</p> <p>OBJECTION is accordingly taken to the dedication of public rights of way over private land between the points P048 and P052, being Plots 11 and 15 on the grounds that such is unnecessary, unjustified and unreasonable.</p> <p>Further, no detail has been provided as to the Type of footpath being proposed, any necessary or appropriate signposting, any necessary or appropriate fencing, any necessary or appropriate gates.</p> <p>OBJECTION is taken insofar as the details for the new footpath are inadequate or insufficient, with particular regard being had to safety and also privacy of the Landowners.</p>
189 and 190	The temporary use of land described in Schedule 1. Plot No. 13. 154.74 sqm of grassland and shrubbery east of London Road and west of Pattens level crossing, Thorley, Hertfordshire.	<p>No detail is given as to the nature of the temporary use required, the purpose to which the land is to be put, the duration of the temporary use, and whether such use is to be to the exclusion of the owner.</p> <p>For the purposes of this response it is assumed that the temporary use will be reasonable and appropriate to the legitimate needs of Network Rail, that no nuisance or annoyance will be occasioned to the owner thereby, that the length of occupation will be as short as is reasonably practicable, and that all damage occasioned to the land will be reinstated to the reasonable satisfaction of the Landowners and as soon as is reasonably practicable.</p> <p>OBJECTION is taken to any temporary use in excess of the above criteria.</p>

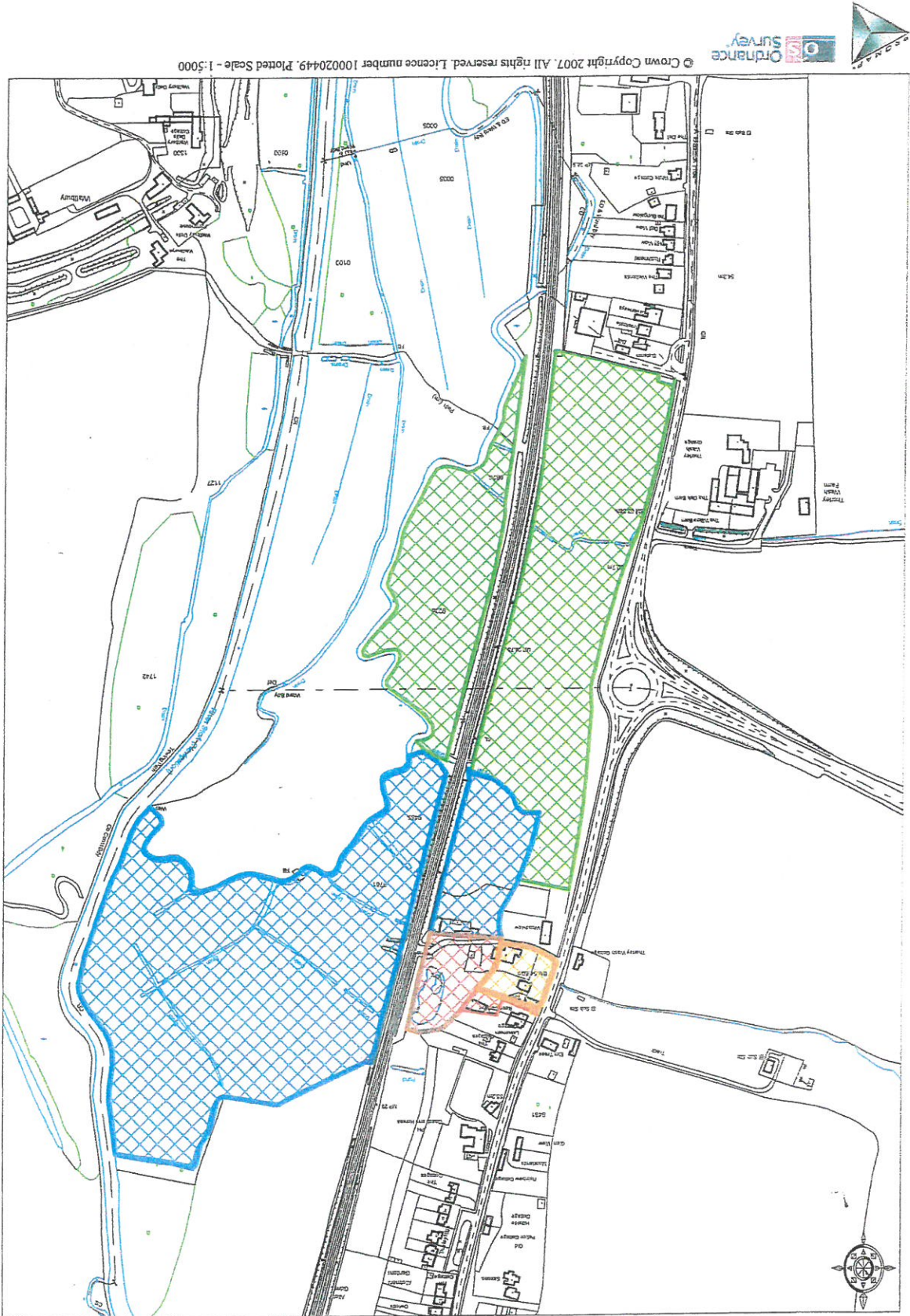
191 and 192	The temporary use of land described in Schedule 1. Plot No. 14. 528.56 sqm of grassland and shrubbery east of London Road and west of Pattens level crossing, Thorley, Hertfordshire	See response to Notice 189.
193 and 194	The temporary use of land described in Schedule 1. Plot No. 15. 1533.65 sqm of grassed track and public footpath (Thorley 022) east of London Road and west of Pattens level crossing, Thorley, Hertfordshire	See response to Notice 184.
196 and 197	The temporary use of land described in Schedule 1. Plot No. 16. 418.20 sqm of grassland and drain east of London Road and west of operational railway (Liverpool Street to Ely line), Thorley, Hertfordshire	See response to Notice 184.
198 and 199	The temporary use of land described in Schedule 1. Plot No.17. 734.19 sqm of grassland east of London Road and west of operational railway (Liverpool Street to Ely line), Thorley, Hertfordshire	See response to Notice 189.
200 and 201	The compulsory purchase of rights in the land described in Schedule 1 below. Plot No.18. 482.59 sqm of grassland and shrubbery east of London Road and west of Fowlers level crossing, Thorley, Hertfordshire	See response to Notice 179.
202 and 203	The temporary use of land described in Schedule 1. Plot No. 181. 50.11 sqm of grassland and shrubbery east of London Road and west of Fowlers level crossing, Thorley, Hertfordshire	See response to Notice 189.
204 and 205	The temporary use of land described in Schedule 1. Plot No. 18B. 166.39 sqm of grassland and shrubbery east of London Road and west of Fowlers level crossing, Thorley, Hertfordshire	See response to Notice 189.
207 and 208	The extinguishment of the rights in land described in the Schedule below. Plot No. 19. 306.78 sqm of grassland, shrubbery, operational railway (Liverpool Street to Ely line) and Fowlers Level Crossing, Thorley, Hertfordshire	The Landowners use Fowlers Crossing (H09) by foot and vehicle, to access their land (18.41 acres) situated to the east of the Liverpool Street to Ely Railway. The extinguishment of this crossing will decapitate this land from their remaining land (12.47 acres). The proposed redirection of traffic to the underpass (Plot 25) is not a suitable alternative for vehicle traffic since the underpass has restricted headroom.
216 and 217	The temporary use of land described in Schedule 1. Plot No. 23. 411.79 sqm of grassland, trees and shrubbery east of Gilston level crossing, Thorley, Hertfordshire	See response to Notice 184.
218 and 219	The temporary use of land described in Schedule 1. Plot No. 24. 2686.97 sqm of grassland, trees and shrubbery east of Gilston level crossing, Thorley, Hertfordshire	See response to Notice 184. Further, at the eastern extreme of Plot 24 and at the point P054, is a footbridge crossing the stream. No provision appears to have been

		made for the replacement or renewal of this footbridge so as to be fit for purpose for public rights of way and no provision appears to have been made for the ongoing future maintenance of this footbridge. OBJECTION is made to the absence of any such provision.
220 and 221	The temporary use of land described in Schedule 1. Plot No. 24A. 35.31 sqm of grassland, trees and shrubbery east of Gilston level crossing, Thorley, Hertfordshire	See response to Notice 184.
225 and 226	The temporary use of land described in Schedule 1. Plot No. 27. 6.76 sqm of grassland, trees, shrubbery, public footpath (Thorley 022) to the east of operational railway (Liverpool Street to Ely line), and Pattens level crossing, Thorley, Hertfordshire	See response to Notice 189.
228 and 229	The temporary use of land described in Schedule 1. Plot No. 28. 139.90 sqm of grassland, shrubbery and trees to the east of operational railway (Liverpool Street to Ely line), and Pattens level crossing, Thorley, Hertfordshire	See response to Notice 189.
232 and 233	The temporary use of land described in Schedule 1. Plot No. 30. 89.47 sqm of grassland, shrubbery and public footpath (Thorley 022) to the east of operational railway (Liverpool Street to Ely line), and Pattens level crossing, Thorley, Hertfordshire	See response to Notice 189.
235 and 236	The temporary use of land described in Schedule 1. Plot No. 31. 222.24 sqm of grassland, shrubbery and trees to the east of operational railway (Liverpool Street to Ely line), and Pattens level crossing, Thorley, Hertfordshire	See response to Notice 189.
1589 and 1590	The temporary use of land described in Schedule 1. Plot No. 8. 29.26 sqm of grassed verge, east of London Road, Thorley, Hertfordshire	See response to Notice 184.
1591 and 1592	The temporary use of land described in Schedule 1. Plot No. 11 2.43 sqm of grassland and shrubbery, east of London Road, Thorley, Hertfordshire	See response to Notice 184.

12th May 2017
Whiskers LLP
Whiskers LLP Solicitors for and on behalf of Ronald James Carpenter and Brenda Dorothy May Carpenter
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Ordnance Survey

