

From: Freddie Botfield <f.botfield@whirledgeandnott.co.uk>
Sent: 25 May 2017 15:55
To: TRANSPORTANDWORKSACT
Cc: alcross@networkrail.co.uk
Subject: Objection Letter - Howells Farm, Pitsea, Essex
Attachments: Mr Keeling objection - Howells Farm Pitsea Essex.pdf

Dear Sirs

Please see the attached objection letter for and on behalf of Mr Keeling to the closure of the footpath and diversion at Howells Farm, Pitsea Essex.

Please could you confirm receipt.

Kind regards

Freddie Botfield BSc (Hons) MRICS FAAV
01268 783377
07745 048575

**WHIRLEDGE
& NOTT**

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OB/194

WHIRLEDGE & NOTT

CHARTERED SURVEYORS - AUCTIONEERS & VALUERS

FB/CP2375

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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

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transportandworksact@dft.gsi.gov.uk

alcross@networkrail.co.uk

www.whirledgeandnott.co.uk

25th May 2017

Dear Sir/Madam

OBJECTION TO PLOT 72 - 39.23 SQUARE METRES OF PUBLIC HIGHWAY (SOUTHEND ROAD), HARDSTANDING AND STAIRWAY TO OPERATIONAL RAILWAY (BARKING TO PITSEA VIA RAINHAM LINE), THURROCK ESSEX - FOR AND ON BEHALF OF MR DAVID FREDERICK THOMAS KEELING [MR KEELING]

OBJECTION TO PLOT 74 - 17.66 SQUARE METRES OF SHUBBERY TREES GRASSLAND AND ARABLE LAND NORTH EAST OF PUBLIC HIGHWAY (SOUTHEND ROAD), SOUTH OF OPERATIONAL RAILWAY (BARKING TO PITSEA VIA RAINHAM LINE), THURROCK ESSEX - FOR AND ON BEHALF OF MR DAVID FREDERICK THOMAS KEELING [MR KEELING]

OBJECTION TO PLOT 74A - 14.27 SQUARE METRES OF TREES AND SHUBBERY SOUTH OF OPERATIONAL RAILWAY (BARKING TO PITSEA VIA RAINHAM LINE), THURROCK ESSEX - FOR AND ON BEHALF OF MR DAVID FREDERICK THOMAS KEELING [MR KEELING]

OBJECTION TO PLOT 75 - 803.35 SQUARE METRES OF ARABLE LAND AND SHUBBERY NORTH EAST OF PUBLIC HIGHWAY (SOUTHEND ROAD), THURROCK ESSEX - FOR AND ON BEHALF OF MR DAVID FREDERICK THOMAS KEELING [MR KEELING]

OBJECTION TO PLOT 76 - 390.50 SQUARE METRES OF ARABLE LAND AND SHUBBERY SOUTH OF OPERATIONAL RAILWAY (BARKING TO PITSEA VIA RAINHAM LINE), THURROCK ESSEX - FOR AND ON BEHALF OF MR DAVID FREDERICK THOMAS KEELING [MR KEELING]

OBJECTION TO PLOT 77 - 120.57 SQUARE METRES OF TREES AND SHUBBERY SOUTH OF OPERATIONAL RAILWAY (BARKING TO PITSEA VIA RAINHAM LINE), THURROCK ESSEX - FOR AND ON BEHALF OF MR DAVID FREDERICK THOMAS KEELING [MR KEELING]



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OBJECTION TO PLOT 78 – 2470.67 SQUARE METRES OF TREES AND SHUBBERY SOUTH OF OPERATIONAL RAILWAY (BARKING TO PITSEA VIA RAINHAM LINE), THURROCK ESSEX - FOR AND ON BEHALF OF MR DAVID FREDERICK THOMAS KEELING [MR KEELING]

OBJECTION TO PLOT 83 – 480.70 SQUARE METRES OF SHUBBERY TREES AND ARABLE LAND SOUTH WEST OF PUBLIC CROSSING (HOWELLS FARM), THURROCK ESSEX - FOR AND ON BEHALF OF MR DAVID FREDERICK THOMAS KEELING [MR KEELING]

1.0 Notices

Mr Keeling received notices dated 30th 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 land owned by Mr Keeling. For the avoidance of doubt, this letter is in response to the notices received for Plot 72, Plot 74, Plot 74a, Plot 75, Plot 76, Plot 77, Plot 78 and Plot 83 (The Plots) and given on behalf of Mr Keeling. I attach a scanned copy of the plans, for information.

2.0 Background

Mr Keeling has farmed the land since 1971, and explained the footpath from Inglefield Road and to the railway crossing at Howells Farm is seldom used. The Plots along with adjacent land are currently used for arable farming and are also of interest to residential developers. There is currently a pending planning application for a new railway station to the west of Lampitts Hill.

3.0 The impact

If the footpath was to be diverted over The Plots it would have the following impact on Mr Keeling's land:

3.1. Trespass

The Plots lie near to a residential area and a busy road. Mr Keelings land in this general area has always been the subject of trespass. In the event that a footpath is created then it is understood that under current legislation Mr Kelling cannot erect barriers such as stiles or pedestrian gates to limit access to pedestrians unless the field is used for livestock. That means that it becomes almost impossible to control or prevent use by horses, bicycles, motorbikes and similar. Prior to erecting gates and other obstructions along the roadside such as farm implements Mr Keeling experienced all of the following issues arising out of trespass;

- 3.1.1. Some walkers tried to create an informal access/shortcut to the public footpath walking over or through crops, damaging those crops and causing losses.
- 3.1.2. 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.

- 3.1.3. When working within the field it is sometimes necessary or prudent for farming efficiency to leave machinery within the field overnight part-way through cultivations and operations. Mr Keeling experienced vandalism and theft when machinery was left in the field before there was adequate security.
- 3.1.4. As is necessary under good husbandry and crop management Mr Keeling undertakes pest control on the land including shooting. This becomes more difficult or dangerous when a field is subject to trespass, and The Plots are located in a position close to where Mr Keeling would normally set up hides for such activity and also close to where many rabbits emanate.
- 3.1.5. Mr Keeling's land had been the subject of illegal fly-tipping where land was previously left unsecured with consequent costs and potential insurance claims.
- 3.1.6. Where trespass is prevalent Mr Keeling had also experienced damage to machinery and particularly combine harvesters due to items abandoned within the crop. As these items cannot be seen by the machinery operator they are picked up by the machinery when undertaking activities causing major damage, cost and delay at a busy time of year.
- 3.1.7. If The Plots are to be acquired, this will reduce the overall cropping area of the field and hence have a negative financial impact on Mr Keeling.

3.2. Maintenance

If Network Rail did obtain rights over the field, the new footpath use may cause the surface to degrade and compact. Mr Keeling would therefore require a continued contribution towards the maintenance of the surface and any stile or gate installed on the new footpath to restrict access to foot use only.

3.3. Option Agreement

The Plots were previously subject to an option agreement benefiting a developer as part of a wider development proposal and heads of terms have now been agreed for a new option for another development proposal. The proposed footpath would limit the development area and impact on value.

3.4. Drainage

The Plots are on land which is the subject of an extensive and complex land drainage scheme. Persistent footpath use would cause compaction and necessitate additional subsoiling and moling in the area in order to maintain the efficiency of the drainage and therefore Mr Keeling would suffer additional regular expense.

4.0 The Consequence

As a result of the above Mr Keeling is extremely concerned that The Plots and his adjacent 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.

The future development of The Plots and adjacent land may also be impeded if a footpath traverses the northern boundary. This would reduce the developable area and limit design flexibility.

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 may permit dog fouling or leave debris on the field such as broken glass which would restrict cropping such that crops like vining peas which go directly into the human food chain can no longer be grown.

5.0 Objection

Having regard for the above Mr Keeling formally objects strongly to the proposed compulsory acquisition of rights over The Plots.

6.0 Compensation

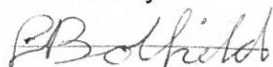
Should Network Rail move forward with the above scheme and divert the footpath then compensation will need to be addressed in relation to The Plots and the adjacent land. This should include but not be limited to the following;

- 6.1. Crop loss, compensation and appropriate legal and professional fees should be paid to my client for any disturbance.
- 6.2. An easement right and payment should be made for acquiring a permanent right over my clients land.
- 6.3. Payment should be made for any temporary use of land to accommodate the works.

7.0 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

Sheet 61
TDS - Howells Farm
Level Crossing



The Network Rail (Essex and Others Level Crossing Reduction) Order
Transport and Works Act 1992
THEROOC

Sheet 62
T05 - Howels Farm
Level Crossing

