

Network Rail – Opening Statement – Essex

The NFU would like to thank the inspector for inviting the NFU to provide an opening statement to the proposed Order by Network Rail to close certain crossings within Essex and Others. NFU members are affected badly by the proposals put forward by NR.

The NFU was first made aware of this proposal when Christian Green of Hamer Associates contacted the NFU regional office at Newmarket and requested a meeting with NFU regional staff. This was followed by members contacting the regional office to raise concerns over the proposals being put forward by Network Rail to close some of the crossings. The county advisers within our Newmarket office were acting as the main contact with Network Rail. I only became involved with this project at the beginning of this year in January 2017.

The NFU is concerned that network Rail have not fully considered the impact of closing the crossings to agricultural estates and holdings. This has clearly been dismissed by Network Rail and in each case the following reasons have been given by NR for the crossing closures

The need to improve the safety

Deliver a more efficient and reliable railway

Reduce operation and maintenance costs

Reduce delays to trains

And improve the journey times and reliability of trains.

NR has further stated that with the proposal it only offers benefits which are currently affordable and deliverable to them. NFU believes that the proposals are cost driven as stated by the NFU in a response to the consultation.

By dismissing the impacts on agricultural businesses NR have not considered the impact

On the efficiency and reliability of the agricultural holdings affected

The increase to operational costs to the agricultural business

The increase to journey times for every day operations carried out on farms

The safety and logistical implications of forcing agricultural vehicles and machinery to take longer routes, use longer stretches of rural public roads which can have a big impact on farm contractors and their staff and the rural villages which they will have to pass through.

NR have stated that compensation provisions can cover the re organisation of the farm holdings but in practical terms it is not always possible for compensation in monetary terms to compensate for the inconvenience, cost an disruption to day to day operations that the closing of some the crossings will cause.

The cost and inconvenience caused could actually mean that the agricultural enterprise being carried out may become impossible or implausible due to the proposed closure of some of the crossings.

The NFU do not understand why NR have not considered other options to achieve their aims rather than level crossing closures. Like the alternative approaches of using lights, telephones, barriers, GPS underpasses and bridges. Using these methods in certain case may be able to achieve their aims of safety and efficiency; whilst enabling farm practices to continue and have far less of an impact on the farm business.

The NFU believes as with any new linear infrastructure scheme NR with these closure proposals should be offering accommodation works to agricultural holdings affected including bridges and underpasses.

The NFU are disappointed that NR has not been prepared to discuss and consider these different options before this Order was applied for and this Inquiry requested. The NFU raised the issues of other options being considered in their response to the first consultation carried out back in June 2016.

Further the NFU is very disappointed by the lack of engagement with NR. The NFU responded to all the consultations carried out by NR firstly in June 2016, then to the second and third consultations raising many issues which our members had raised in each consultation response. On each occasion only a standard email reply was received.

The Only written response received from NR was on 8th September to the objection letters submitted which was after the confirmation that an Inquiry would be held. It would have been preferable to have resolved some of the issues outside an Inquiry. This would have been at a lower cost and resource to all organisations involved.

A meeting was held at the NR office in London in July to look at the issues we had raised on behalf of our members but this seemed to be too late because the application had been made for the Order . It was evident that NR could take no action unless they were prepared to withdraw a crossing from the Order. It seemed that it was not possible for Network Rail to make any amendments to what had been applied for under the Order.

Many NFU members have highlighted with us their concern over the lack of direct consultation in regard to proposals. Some of our members were not consulted at the beginning of the process with some only becoming aware of the closures as late as February 2017 this year. Further notices had not been served on the correct landowners. That their views have not been considered and in many cases NR have put forward new proposals on the plans submitted for each crossing. Some of our members have not been consulted on the

final proposals which are highlighted on the final plans dated March 2017.

The NFU believes that the NR have undertaken the required consultation stages and gone through the motion but this has not equated to fully engaging with landowners. Issues raised have been ignored. Landowners must be consulted on any changes going forward that NR may introduce.

Many of the proposed crossing closures will lead to associated diversion, creation or extinguishment of public and private rights of way. Not only will land be taken out of production to create or divert a footpath or bridleway but there are other impacts as well

Including Bio security risks and the ingress and egress of livestock from fields.

The NFU believes that it is very important that for a footpath or bridleway to be diverted across agricultural land NR need to be able to demonstrate that there is a requirement for that right of way.

In conclusion the direct effects of closing and downgrading level crossings, including economic, logistical and safety implications to farm businesses has not been considered and compensation does not solve the problems created.

The proposals put forward as alternatives by NR are not in some cases convenient and suitable replacement for existing landowners as users of the crossings.

The NFU believes at the present time there is not a clear and compelling case in the public interest with this Order to be confirmed and approved as it stands. Further amendments are required so that landowners are not affected unfairly.

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