

**TRANSPORT AND WORKS ACT 1992**

**WRITTEN PROOF OF EVIDENCE BY THE NFU FOR EXECUTORS of the RT.  
HON. LORD ROBIN HENRY CHARLES BARON BRAYBROOKE  
AUDLEY END ESTATE.**

**REGARDING THE APPLICATION FOR THE PROPOSED NETWORK RAIL  
(ESSEX AND OTHERS LEVEL CROSSING REDUCTION) ORDER**

**LEVEL CROSSINGS E12 WALLACES and E13 LITTLEBURY GATE HOUSE**

**REFERENCE OBJ/ES/066/R001**

**DATE 20TH SEPTEMBER 2017**

## Contents

1. Introduction
2. Crossing E12 Wallis's
  - 2.1 Present Use
  - 2.2. The Proposal
  - 2.4 The Issues
3. Solution – Wallis's
4. Crossing E13 Littlebury Gate House
  - 4.1 The Proposal
  - 4.3 The Issues
  - 4.5 The Solution

## 1.0 Introduction

1.1 My name is Louise Staples, I am a Rural Chartered Surveyor for the NFU at the head office at Agricultural House, Stoneleigh Park, Stoneleigh, Warwickshire.

1.2 I hold a BSc(Hons) in Rural Enterprise and Land Management. I am a Member of the Royal Institute of Chartered Surveyors and a Fellow of the Central Association of Agricultural Valuers.

1.3 I have been the rural surveyor for the NFU since 2010 and lead on all Infrastructure Schemes/Compulsory Purchase across England and Wales. I have been involved with HS2 on behalf of NFU members since 2010 and gave evidence to House of Commons and House of Lords, Select Committees in 2014 and 2016 in regard to the Hybrid Bill for HS2 Phase 1.

1.4 I have appeared on behalf of NFU members at Development Consent Order (DCO) hearings in regard to the A14 Huntingdon to Cambridge Improvement Scheme in Cambridgeshire, Triton Knoll Electrical System Development in Lincolnshire and the Richborough Connection Project in Kent.

1.5. Before joining the NFU I worked for over 15 years in private practice for George F White and Clark Scott Harden in Northumberland for 8 years and Carver Knowles and John Amos in Worcestershire, Herefordshire and the Welsh Borders for 7 years.

### Witness

1.6 (Henry) Tom White studied Rural Estate Management at Royal Agricultural University, qualified MRICS in 1986 and moved from agricultural valuing and auctioneering into rural estate management in 1988.

1.7 He has been the Resident Agent at Audley End Estate since 1<sup>st</sup> October 2001.

## **2.0 Crossing E12 Wallis's**

**2.1 Present Use:** The crossing is presently used as a private footpath crossing.

**2.2 The Proposal:** The proposal by NR is to close the level crossing to private users and for private users to use private tracks on the Estate running north on to Chestnut Avenue which passes under the railway line. The alternative is for private users to use existing private tracks which run south from the crossing to an existing overbridge.

Eastern Gate looking North toward Chestnut Avenue



2.3 NR has highlighted to close this level crossing for safety reasons due to the high number of trains which run this line. Audley End Estate is unaware of any safety issues throughout its entire existence.

### **The Issues**

**2.4 The proposal Chestnut Avenue:** submitted with the Order is for private users to use existing private tracks which run north and lead on to Chestnut Avenue. The photograph above



highlights the distance to walk to the main road. The proposal is then for private users to walk along the road and go under the railway line.

Chestnut Avenue looking westwards along the proposed route



2.5 There are deep ditches concealed in the verges.

2.6 Chestnut Avenue is a very busy road and is used locally to gain access on to the M11 which is approximately 500m to the west of the railway line. There was a fatal road vehicle accident on the weekend of 1<sup>st</sup>/2<sup>nd</sup> July 2017 at the location of the overbridge.

Chestnut Avenue looking Eastwards highlighting proposed route



2.5 **The Shoot:** The private user crossing provides access to estate staff or contactors working on the estate to gain access to land and woodland on either side of the railway line. The private crossing is used frequently during the game shooting season by the beaters as this crossing is located in the middle of a wood which is one of the signature drives on the Estate for the shoot. The Estate runs approximately 20 to 30 shoot days a year with the drive in this wood being used about 6 to 8 times a year. If the beaters cannot pass through the wood by using the private crossing at Wallis's it seriously compromises the drive. Sending the beaters around the wood on the new proposed route will simply not work to reproduce the main drive. This will lead to a financial cost to the Estate as the loss of this drive to the shoot will be in the region of £1000 per shoot day and approximately £6000 to £8000 a year.



**2.6 Estate Management:** Further the private crossing is used by the Estate to undertake general management of the woodland including safety audit of the trees, forestry operations and deer control. The closing of the crossing would again have a further financial impact on the Estate as it will cause significant disruption to the proper Estate management and so additional management costs will be incurred with alterations to existing systems of work.

### **3.0 Solution – Wallis's**

3.1 If Network Rail now believes that it is not safe to use this crossing then a new footbridge at the crossing should be provided for private users of the Estate to cross the railway line or for the private use of the crossing to remain open to registered private users which have a key to access the gate. This would avoid unauthorised use and avoid pedestrians and Estate staff having to use Chestnut Avenue.

3.2 It is not safe for Estate staff to walk on Chestnut Avenue as the proposal suggests which is the nearest road crossing. It is further not for the Estate to have to provide health and safety training to its staff as proposed by Network Rail so that the Estate staff will safely use Chestnut Avenue. If Network Rail need to close the crossing then they must provide an alternative which is safe.

3.3 Please see the photographs below which highlight the eastern gate clear, identified and visible. Further two photographs looking north and south from the crossing which show clear views either way up and down the line to enable any person on the Estate using the crossing to cross safely.

## The Eastern Gate





## Looking South along the Railway Line



## 4.0 E13 Littlebury Gate House Crossing

### The Proposal

4.1 To close the crossing to all users and to divert users to an existing highway bridge on Littlebury Green Road and then for users to use the existing grass verge.

4.2 The Level Crossing presently provides a by- way linking the outskirts of Littlebury Village to the village centre but not to the open countryside. The proposed diverted route does not replace the facility lost which is to connect the centre of the village. The Order should not be used to provide a diverted footpath linking to other footpaths in the open countryside. It creates a link to the main road with no further ROW to connect to.

### The Issues

4.3 The byway leading to the level crossing already attracts fly –tipping and litter.

4.4 The point where the proposed alternative route reaches Littlebury Green Road this is opposite the northern boundary of Henry Seymour Plantation on the Estate. The Estate is concerned that this will encourage trespass into the Plantation and will affect the commercial use of the woodland and be of great disturbance to the Estate.



The Entrance to Henry Seymour Wood**The Solution:**

4.5 The Estate strongly believes that it is not necessary to create this new footpath as this will be an improvement to the rights of way network. It does not provide a link in any way to the centre of the village.

4.6 If it can be shown that it is necessary for this footpath to be created then the Estate sees no reason why the footpath cannot be diverted along the Network Rail Boundary instead of private land. Network Rail should carry out works to their own land so that the topography is suitable for the footpath. We note that Network Rail in their letter dated 6<sup>th</sup> September 2017, that neither the width of land nor safety were given as reasons why the right of way could not pass over their land.



Looking North to Littlebury Gate House crossing from Littlebury Green Road



4.7 If the footpath diversion does receive approval as proposed on the maps submitted with the Order then it is essential that Network Rail carry out fencing to the northern end of the Henry Seymour plantation to stop trespass happening.

4.8 Please see the Network Rail maps which were submitted with the Order dated March 2017 highlighting the new proposed diverted footpaths at both crossings.

## **5.0 Conclusion**

5.1 Crossing E12 Wallis's should remain open to the Estate as a private user with a key to access the gate. At Crossing E13 Littlebury Gate House there is no need to divert and create a footpath along the boundary of the field as proposed.

