

**TRANSPORT AND WORKS ACT 1992**

**WRITTEN PROOF OF EVIDENCE BY THE NFU FOR D and V ROBERTS,  
THORPE PARK FARM.**

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

**LEVEL CROSSING E47 BLUEHOUSE**

**REFERENCE OBJ/ES/101/R001**

**DATE 20TH SEPTEMBER 2017**

## Contents

1. Introduction
2. E47 Bluehouse Crossing
  - 2.1 Present Use
  - 2.2 The Proposal
  - 2.4 The Issues
3. Solution
4. Conclusion

## 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.

The landowners

1.6 This Evidence is provided on behalf of Valerie Roberts (VR) and Douglas Roberts (DR) as the landowners of the land on the North West side of the level crossing, E47 – Bluehouse.

1.7 The land forms part of the 230 hectare dairy and arable farm, Thorpe Park Farm. The dairy enterprise plays the dominant role in the financial output of the farming business. The business is run as a partnership with VR, DR and son James Roberts as the three partners.

## 2.0 E47 Bluehouse Crossing

### Present Use

2.1 The crossing is presently used as a public footpath level crossing and the user decides if it is safe to cross.

### The Proposal

2.2 The proposal by Network Rail is to close the level crossing to all users and divert the footpath. Bruton Knowles, sent a letter, dated 13<sup>th</sup> February 2017 as Network Rail's land agents and they quoted four reasons why Network Rail wished to close E47 crossing. These are as follows:

- Improving the safety at level crossings for all users.
- Reducing delays to trains, pedestrians and other highway users.
- Minimising the operating and maintenance cost of the railway.
- Delivering a more efficient and reliable railway on behalf of the UK taxpayer.

2.3 The proposal is to divert users using the crossing to Pork Lane level crossing and this would be accessed from the south by using the existing road. From the north a new 2m footpath would have to be created across agricultural fields adjacent to the railway line to connect an existing footpath from Bluehouse to Pork Lane. There is a proposal to erect a fence on the field side of the footpath and this to be maintained by a third party. At the present time the existing footpath connects the B1033 to Pork Lane.

### The Issues

2.4 Network rail has never quoted any safety incident with this crossing since this single rail line was built by the Tendring Hundred Railway Company in 1883. No independent safety review has been provided only information from a Network Rail assessment (ALCRM).

2.5 As it is only a pedestrian crossing what delays have occurred in the past from this crossing? Indeed Network Rail report that between "2011 and 2015 there were no incidents of misuse, no near misses, and no accidents at this crossing". There are no "other highway users".

2.6 Closing Crossing E47 will have no effect on the efficiency or reliability of the trains on this railway line. One train passes here only once every thirty minutes. Network Rail has given no indication how reliability or efficiency will be improved.

2.7 The proposal will create a new footpath 2m wide on private agricultural land alongside the field boundary to the railway line. The field in question is owned by Mr and Mrs Roberts and forms part of Thorpe Park Farm which is a dairy holding. All of the land is in a rotation of wheat, maize and temporary grass. Multiple forage crops can be taken from the field and the creation of a 2m wide footpath will take a strip of land permanently out of agricultural production. This will have an economic impact on the farm business.

2.8 Network rail have not clarified with the Roberts as to whether they are purchasing the land to create the 2m wide footpath or just the interest over the land. If the footpath is to be diverted on to this land then Network rail will have to compensate for the economic loss as well as the loss in value to the field.

2.9 The footpath will create a bio security risk to the dairy herd due to neospora carried in dog faeces which could be picked up by the cows when grazing the field or from when grass is cut and silage made. Neospora causes abortion in cows and has been experienced in the dairy herd.

2.10 The information provided by Network rail highlights that when the survey was carried out at the crossing in June/July 2016 which was a three day census over a weekend and a Monday that no pedestrian was recorded using the footpath. These figures do not warrant creating a new footpath on land in arable and forage production.

2.11 Currently no maintenance is carried out by Network Rail to the boundary fence running alongside the railway line /embankment and so vegetation will continue to grow out into the field meaning that more land will be taken out of agricultural production as time passes. Gorse, brambles, trees and bushes will encroach into the field. The cost of maintaining this footpath will fall to the landowner.

2.12 Further there is a lack of actual boundary fencing to the railway line and at the present time anyone including children could access the railway track. See photograph below.



2.13 The Roberts also believe that there is a safety issue with pedestrians accessing Pork Lane from the proposed footpath on the north side of the Pork Lane Crossing as there is a blind bend on the lane to the north of the crossing. The lane is now a 'rat run' for traffic commuting. It is felt that the pedestrians using the new proposed footpath would be at far greater risk when exiting on to Pork Lane than using the footpath which crosses Blue house crossing.



2.14 There has been no consultation in regard to the proposed fence which has been highlighted to be erected to the north of the proposed footpath on the Network rail plan dated March 2017. It is stated that it will be maintained by a third party, which we understand to be the Roberts.

### 3.0 Solution

3.1 Mr and Mrs Roberts see that there are no safety reasons to close the crossing at Bluehouse level crossing and it should remain as a stop, look, and listen public footpath crossing. There is very good visibility in both directions at the crossing. Please see the photographs below:

#### Looking West from the Crossing



## Looking East at the Crossing



Bluehouse Crossing looking south over the railway track



3.3 The need to create a new footpath 2m wide across agricultural land taking land out of production has not been proven. The existing footpath does not form part of a local network as it simply runs from the north on the B1033 Kirby Cross road to Pork Lane to the south west of the railway line. There is no need for a new footpath to be created as any pedestrian walking on Pork Lane can cross the railway line at Pork Lane crossing, continue north on Pork Lane until it meets the B1033.

The field boundary where it is proposed to create the 2m footpath



3.4 Please see the Network rail plans A and B at appendix 1 highlighting the land owned by Messrs Roberts and the location for where the new footpath is to be diverted along the field boundary.

#### **4.0 Conclusion**

4.1. In the light of our points we ask that Network Rail keep E47 crossing open and the existing footpath.