

TRANSPORT & WORKS ACT 1992  
APPLICATION FOR THE PROPOSED  
NETWORK RAIL (ESSEX and OTHERS LEVEL CROSSING REDUCTION) ORDER

PROOF OF EVIDENCE ON BEHALF OF:

**Level Crossing – E28, Whipps Farmers**

**Landowner: Mr Christopher Padfield**

**District: Brentwood**

Department of Transport Reference: TWA/17/APP/05/OBJ/155

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## **1. Introduction**

- 1.1 This Proof of Evidence is submitted by Strutt & Parker LLP (S&P) on behalf of Mr Christopher Padfield in connection with their objection made against the proposed Network Rail (Essex and Others Level Crossing Reduction) Order.
- 1.2 An original objection can be found in our email to the Secretary of State for Transport of 10<sup>th</sup> May 2017.
- 1.3 A Statement of Case was submitted on 4<sup>th</sup> July 2017.
- 1.4 We ask that the Inspector considers the contents of point 1.2 and 1.3 above.
- 1.5 Subsequent to that a letter was received from Network Rail on the 5<sup>th</sup> September 2017 and a copy is attached at **Appendix I**.
- 1.6 Network Rail's Proof's of Evidence were received on the 20<sup>th</sup> September 2017.

## **2. Questions**

As a result of the letter and proof's of evidence received from Network Rail we would like to ask the following questions of Network Rail at the public inquiry:

- 2.1 In Network Rail's 5<sup>th</sup> paragraph of their letter (Consultation) of the 5<sup>th</sup> September 2017 they state that a representative met Mr Padfield on the 9<sup>th</sup> December 2016. Our client does not have a record of this meeting. He does recall a conversation, he thought by telephone although it could be that someone arrived in their farm office unscheduled. We ask that Network Rail please provide details of who met Mr Padfield, which Mr Padfield they met as Mr Christopher Padfield's father lives at the farmhouse which is nearest the land in question and also ideally provide a file note of their meeting or any follow up correspondence. Our client is very clear that he only ever thought these proposals involved closure of crossing E27 at Puddle Dock which our client agrees he would welcome.

- 2.2 In the Appendices to the Proof of Evidence of Susan Tilbrook at Tab 7, Page 425 she states that the proposed alternative would create a cross field path. We recognised this in the submission made. We ask Network Rail to explain why this is a disadvantage considering it would like with an existing cross field path on our client's land?
- 2.3 On page 426 Ms Tilbrook comments upon the best crossing point of Warley Street. We ask if Network Rail have provided independent evidence of their assessment of these options?
- 2.4 In Ms Tilbrook's penultimate paragraph on page 426 she states that "Essex County Council look to retain PROW assists (stet)". We ask that Network Rail provide evidence of the request from Essex County Council to create a new and unnecessary footpath.
- 2.5 In Andrew Kenning's proof of evidence at point 14 he comments that they will continue to "engage with affected landowners ..... With a view to reducing, or mitigating, the impact of the project as much as is reasonable practicable" We ask Network Rail to explain why they have not made these efforts prior to applying for the TWA as would be good practice so as to minimise costs and time for all parties?

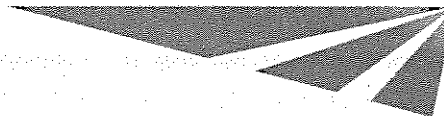
**Signed for and on behalf of Mr Christopher Padfield:**



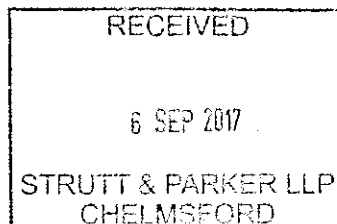
Alexander Creed

20<sup>th</sup> September 2017

**Appendix I: Network Rail Letter 5<sup>th</sup> September 2017**



Alexander Creed  
Partner  
Strutt & Partner LLP  
Coval Hall  
Chelmsford  
Essex CM1 2QF



Network Rail  
James Forbes House  
27 Great Suffolk St  
London  
SE1 0NS

5<sup>th</sup> September 2017

Ref: Obj/ES/155/R001

Dear Mr Creed

**The Network Rail (Essex Level Crossing Reduction) Order**  
**Level crossing E28 Whipps Farmers**  
**Landowner : Christopher Padfield**  
**District : Brentwood**  
**Plots : 2, 3 and 4**

The Department for Transport has passed to us your letter of objection to the proposed Order dated 10<sup>th</sup> May 2017, which has been allocated the reference OBJ/155. We have also received your statement of case.

We note your concerns and, in the following paragraphs, we respond to each point your client raise. First, we set out the current and proposed status of the level crossing referred to in your objection and briefly explain Network Rail's proposals.

Level Crossing	Current Status	Proposed Status
E28 Whipps Farm	Private footpath	Existing private rights removed, users divert to new private access track to south.
	Public footpath	Existing footpath rights removed, users divert to alternative Puddle Dock footpath level crossing to west.

Network Rail has noted that your client agrees with the safety requirements for closing the level crossing.

## **Consultation**

*Network Rail has noted that your client say he had only received one telephone call from Network Rail's agent and were not notified that your land was required as part of the diversion route.*

It was noted that on the 9<sup>th</sup> December 2016, our agent had met with Mr Padfield where he had mentioned that he would prefer the diversion route to be alongside the field north of E27 level crossing. He had also mentioned that he would have preferred footpath 180 extinguished and using the existing walk through Franks Wood would be sensible.

### **Not previously aware of proposed route between fp180 and 183**

The section of proposed footpath adjacent and parallel to Warley Street along Mr Padfield's field margin to footpath 180 is to provide the most direct link back to St. Marys Lane, in replacement of the current footpath 178 route.

The section you had highlighted in orange was initially designed on the plans when the footpath 180 level crossing was planned to be closed.

It is considered that the additional length of the diversion to the west of the level crossing would mitigate public concerns which are generally raised regarding the diversion lengths. The new section of footpaths reduces the walking distance and again removes the potential for trespass as walkers seek to take the most direct route to the E27 level crossing.

This length of footpath to the west of E27 assists in replacing the loss of public rights of way assets for users due to the closure of E28 and Essex County Council look to retain PROW assists wherever possible.

The length of the diversion varies on the users origin and destination with some users undertaking longer diversions than others.

### **Proposed simpler solution to avoid using Mr Padfield's field**

Network Rail has noted that your client suggested the use of the existing footpath 179 to continue east across Warley Street and field to join footpath 178.

Wherever possible we have opted to use field boundary paths as these are less disruptive to a land owner. Your proposed link creates a cross field path.

As your client may be aware Warley Street (B186) is a fast moving road with various hazards along its route. One being the railway over bridge and another being a blind cress towards the A127. We have had to work with these hazards as the project would not be able to solve all of these. In doing so we have had to find a suitable crossing point of Warley Street. Where your suggested alternative (blue route) crosses Warley Street to meet public footpath 179 is near the crest in the road. At this point we felt that this was not a good place to cross the road as visibility of vehicles travelling from the A127 was very poor.

Were our proposal is planned to cross Warley Street we believe there is good sighting in all directions, traffic would be wary of the industrial estate entrance, and

therefore prepared to slow if required. We also felt that the pedestrian crossing point would be of assistance to any users of the bus stop as they would need to cross the road for one of their journeys. Therefore there were wider benefits to our proposals.

Where Mr Padfield's land is impacted by the proposed footpath, he may be entitled to compensation in line with the compensation code. The UK Government has issued guidance on compulsory purchase, which is available from Government publications on the following link (<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-1-procedure>).

We hope that our response had provided sufficient clarity on each of the points made in your objection, and has addressed your concerns about this level crossing. If so we would be grateful if you would kindly let the Department for Transport know by withdrawing your objection. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me on the address above or by email to [ALCross@networkrail.co.uk](mailto:ALCross@networkrail.co.uk) , quoting the reference number provided.

Yours sincerely



Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team  
Network Rail

