

AUDLEY END ESTATE

TEL NO: SAFFRON WALDEN (01799) 541354 & 541956

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E MAIL: estateoffice@audleyendestate.co.uk

AGENT: H.T. WHITE MRICS

AUDLEY END ESTATE OFFICE
BRUNCKETTS
WENDENS AMBO
SAFFRON WALDEN
ESSEX CB11 4JL

Our Ref. HTW/AJJ/AE103

6th July, 2017

Secretary of State for Transport,
c/o Transport Works Act Orders Unit,
General Counsel's Office,
Department of Transport,
Zone 1/18,
Great Minster House,
33 Horseferry Road,
London SW1P 4DR.

Dear Sir,

Network Rail Essex and Others – Level Crossing Reduction Order

Further to your letter of 25th May, 2017, I write on behalf of the Executors of the Rt. Hon. Lord Robin Henry Charles Baron Braybrooke deceased, who was the proprietor and life tenant of the Braybrooke Settled Estate. The Estate now vests in the executors to Lord Braybrooke's will.

I enclose a copy of the original letter of objection dated 28th April, 2017.

E13 Littlebury Gatehouse, Essex

This crossing and right of way is exercised predominantly on foot by members of the public, linking the outskirts of Littlebury village to the village centre, its pub, church, village hall, playing fields and public transport.

An alternative route is proposed across adjoining arable land to the Littlebury Green Road and linking to the wider public footpath network away from the village centre.

Network Rail proposes to close this level crossing due to the high frequency of trains on this line.

The proposal, subject to the Level Crossing Reduction Order, provides for the closure of the crossing and the provision of a new public right of way across adjacent arable farmland, directing users further away from the village centre and towards the open wider countryside but does not provide a convenient replacement of the facility lost linking the outskirts of the village with the village centre.

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The byway leading to the level crossing from the north is already attractive to illegal hare coursers, illegal fly-tipping, litter and the misuse of drugs and other antisocial behaviour.

The point where the proposed new right of way joins the Littlebury Green Road is opposite the northern extension of Henry Seymour Plantation, which is private land. Regardless of the lack of existence of a public right of way, this will encourage trespass and the existing private entrance to Henry Seymour Plantation will have to be substantially secured at no small cost. Any increase in trespass in to Henry Seymour Plantation could lead to substantial commercial loss to the landowner's shoot which makes use of this land.

If the new proposed route is to proceed on the adjacent agricultural land then this will prevent normal agricultural operations and affect cross compliance obligations under the Rural Payments Agency Basic Payment Scheme. The route of the path will effectively be taken out of production with consequent losses to the landowner still to be assessed.

The landowner has been obliged to construct a ditch and bund around the perimeter of this field to prevent illegal hare coursing by trespassers with vehicles. The proposed public right of way will breach these measures over approximately 350 metres, requiring the landowner to carry out additional ground works at a cost in excess of £1,000. The proposed new right of way appears to emphasise links to public rights of way existing in the wider countryside, whereas, the existing route is as a link between the outskirts of the village and its centre. The Network Rail proposal is a scheme to reduce level crossings, not intended to be a footpath network improvement scheme.

We would counter-propose that consideration be given to stopping up the route altogether to the west of the railway line, with users re-routed via Strethall Road and into the Littlebury village centre.

Yours faithfully,



H.T. White
On behalf of the Executors of the Rt. Hon. Lord Braybrooke deceased

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Our Ref. AMMM/HTW/AJJ/AE12

28th April, 2017

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c/o Transport & Works Act Orders Unit,
General Counsel's Office,
Department for Transport,
Zone 1/18,
Great Minster House,
33 Horseferry Road,
London SW1P 4DR.

Dear Sir,

Network Rail Essex and Others - Level Crossing Reduction Order

I refer to the formal Notice dated 30th March, 2017 received from Messrs. Bruton Knowles on your behalf.

I write with Power of Attorney on behalf of The Rt. Hon. Lord Robin Henry Charles Baron Braybrooke my father, who is the proprietor and Life Tenant of The Braybrooke Settled Estate, part of which is affected by these proposals.

E13 Littlebury Gatehouse, Essex

I object to the proposal based on the following points:

1. The route affected by the proposed level crossing closure provides a by-way linking the outskirts of Littlebury Village to the village centre but not the wider open countryside. The alternative route provides a link out of the village with other footpaths in the open Countryside, but in no way replaces the facility lost by the proposal linking the outskirts of the village with the village centre, it's pub, church, village hall and public transport.
2. The by-way leading to the level crossing is already attracted to fly-tipping, litter and the misuse of drugs. If the level crossing is to close, I would counter-propose that consideration be given to stopping the route up altogether and pedestrians re-routed via Strehall Road into the Littlebury village centre.

3. At the point where the proposed alternative route is shown reaching the Littlebury Green Road, is opposite the northern extension of Henry Seymour Plantation, which is private land. Regardless of the lack of the existence of public rights of way, this will encourage trespass and the existing private entrance to Henry Seymour Plantation will need to be substantially secured. The encouragement of trespass into Henry Seymour Plantation will lead to a substantial loss of amenity and affect the commercial use of the landowner's property. The landowner will be deprived of quiet enjoyment of his property as a consequence.
4. The proposed new path appears to be routed through private land, whereas there is adequate room for a new footpath within the Network Rail boundary. If the route is to be on the adjacent agricultural land, then this will affect cross compliance obligations under the Basic Payment Scheme and prevent normal agricultural operations, effectively taking the land out of production and will require adequate fencing to prevent the otherwise inevitable trespass.
5. Part of the proposed new pedestrian route heading west from Peggy's Walk junction with Littlebury Green road is existing but the provision of an additional new footpath in the adjoining field is not justified. Your proposal is a scheme to reduce level crossings, not a footpath network improvement scheme.

E12 Wallis's, Essex

Please note the correct spelling of Wallis's being an abbreviation of Cornwallis Hill.

This level crossing is a private crossing with land either side under the control of The Rt. Hon. Lord Braybrooke and we are unaware of any safety issues throughout its entire existence.

Your proposed alternative route wrongly presumes a connection is required between the two tracks east and west of the railway line. In fact, the crossing is used on a regular basis for access to the land and woodland in a more general sense, and is for the purposes of game shooting, deer control, safety audit of trees, forestry operations and other acts of land management. The closure of this level crossing will result in a significant loss of amenity. This private level crossing was installed when the railway was originally built and necessary accommodation works linking land either side of the railway. This requirement has, if anything, increased in the intervening years, not decreased. The proposed closure of this crossing presents a significant disruption to the proper Estate management of land either side of the railway and the owner's right to quiet enjoyment.

Of particular concern is during shooting activities, when Estate staff may redirect themselves via Chestnut Avenue, crossing under the railway bridge. This is a hazardous route for pedestrians there being no footpath at Chestnut Avenue, which is subject only to the national speed limit and is a well used route. You may appreciate the positioning of Estate staff during a shoot is a matter of precision and by following the alternative route proposed would only go to further disrupt the shoot. The compromise of this wood from a sporting point of view could result in substantial financial loss to the landowner.

Secretary of State for Transport
28th April, 2017
Page 3

If illicit use of this crossing is a perceived risk then it could be easily solved by the locking of the gates as long as the owner is provided with a key.

In the light of the above I would urge you to reconsider your proposals.

In all matters we reserve our position and object to the proposal as detailed above.

Yours faithfully,

Hon. Mrs. Amanda Murray
For and on behalf of The Rt. Hon. Lord Braybrooke
acting as Power of Attorney

CC by email to anglialevelcrossings@brutonknowles.co.uk

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Network Rail's proposal is to close this private level crossing, with users to redirect themselves either along private tracks elsewhere on the Estate, or northwards onto Chestnut Avenue, passing under the railway bridge and returning on the other side of the railway line.

It is understood Network Rail proposes to close this level crossing due to the high frequency of trains using this line.

Whilst not a public right of way, this crossing is used on a regular basis, primarily for the purposes of game shooting and management but also deer control, the safety audit of trees along the railway line, forestry operations and other acts of land management.

/over.....

This crossing was installed when the railway was built as a necessary accommodation linking land either side of the railway at the specific points of the crossing. In the intervening years this requirements has, if anything, increased. The proposed closure of this crossing represents a significant disruption and in particular affects the economic viability of the shoot which operates either side of the railway line.

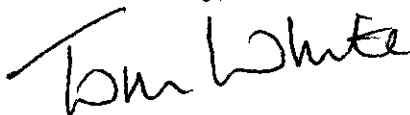
If the crossing were to be closed, Estate and shoot staff may redirect themselves via the shortest route to the north via Chestnut Avenue, crossing under the railway bridge. There is no footpath along Chestnut Avenue and although an unclassified road, it is used by substantial numbers of traffic, often travelling at speed. The road is subject only to the national speed limit. Very sadly there was a fatal accident at this precise location only last week on the 2nd July, 2017 with two survivors of the vehicle taken to hospital. This is the second fatality due to road traffic on Chestnut Avenue in recent years and there have been a number of less serious incidents.

The positioning of beaters during a shoot is a matter of precision and following the alternative route proposed around Cornwallis Wood and Hill, is entirely impractical and would only go to further disrupt the shoot. The closure of this crossing will compromise this very important drive which can be one of the most impressive drives on the Audley End Estate. Were this drive to be compromised, the estimated cost would be in the region of £1,000 per shooting day or between £6,000-£8,000 per annum, which would seriously threaten the financial viability of the shoot.

The closure of this crossing would also hamper other general Estate management activities, the cost of which has still to be ascertained but would have a further negative financial impact on the Estate.

The relatively high casualty rate on Chestnut Avenue compared to no known accidents on this level crossing, suggests that however counterintuitive, the continued use of this crossing would appear to be the safer course. The crossing is not open to the public and the landowner proposes that it is maintained for private use only, which could be controlled by the locking of the crossing gates, access to which could be restricted to registered private users.

Yours faithfully,



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