

**SUBMISSION OF RESPONSE**

by

**MR JEREMY FINNIS (FOR THE COLE FAMILY)**

to

**DEADLINE 6**

for

Application Examination for TR010032 – Lower Thames Crossing  
Issue Specific Hearing 10 (ISH 10), Traffic & Transportation, Action Point 9

**UNIQUE REFERENCE:** LTC-AP1715

This submission is in addition to the responses and objections made through the Statutory Consultation process and the Relevant Representations [RR-0176] and the current position of the Statement of Common Ground between the Applicant and the Cole Family.

**NOTE:** Responses set out herein are in order of location in relation to The Application route leading from north to south.

Proposal	Location	Drawing Number	Annotation	Reason for Objection
PROW - Bridleway (new)	From Mardyke Way BR219 to Green Lane BR161 (diverted)	DR-AX00022 within Application Document 9.60 Supplementary Walking, Cycling and Horse Riding (WCH) Maps (Volume C)	Figure 1 – Appendix 1	<p>The Interested Party objects to the proposed new PROW (bridleway) that departs from the Mardyke Way due east and then south to Green Lane as this further opens up their farmland to illegal activities and trespass as demonstrated by the annotated photographs appended to this submission and as presented in oral evidence at ISH10. The Mardyke Way is already used for such purposes and whilst the Interested Party accepts that the Mardyke Way will not be downgraded, to extend the accessible area by means of a bridleway will only increase the burden that the Interested Party suffers on a day-to-day basis from these illegal activities.</p> <p>If this section of new proposed public right of way was restricted to a footpath only, then this would still provide sufficient additional access as required by the Applicant. No “robust measures” suggested by the Applicant will be sufficient to restrict illegal activities caused by motorbikes and quadbikes.</p>
Off carriageway track - walkers & cyclists (new)	Green Lane BR161 (diverted) to Stifford Clays Road	DR-AX00022 within Application Document 9.60 Supplementary Walking, Cycling and Horse Riding (WCH) Maps (Volume C)	Figure 1 – Appendix 1	Green Lane BR161 is already connected to Stifford Clays Road, approximately 500 metres to the west of the proposed new WCH route. Therefore walkers and cyclists already have a right of way between Green Lane BR161 and Stifford Clays Road not impacted by The Applicant. As such the Interested Party considers that the proposed new WCH route is unnecessary and will conflict further with the Interested Party’s commercial use of this important agricultural land.
PROW – Footpath (redesignated as bridleway)	At FP79 to FP95	DR-AX00021 within Application Document 9.60 Supplementary Walking, Cycling and Horse Riding (WCH) Maps (Volume B)	Figure 2 – Appendix 2	The Interested Party objects to the upgrading and redesignation of the existing public right of way which will direct further illegal activity and trespass onto their land. There is already a sufficient PROW network that runs south in to Chadwell St. Mary.
PROW – Bridleway (new)	From FP79 (redesignated as bridleway and	DR-AX00021 within Application Document 9.60 Supplementary Walking, Cycling and Horse	Figure 2 – Appendix 2	The Interested Party objects to the upgrading and redesignation of the existing public right of way which will direct further illegal activity and trespass onto their land. There is already a

	diverted) to FP95 (redesignated as bridleway) to Brentwood Road	Riding (WCH) Maps (Volume B)		sufficient PROW network that runs south in to Chadwell St Mary and the addition of FP95 running due east to the Brentwood Road will cause significant increase in illegal activity on further land of the Interested Party. The new proposed route also would join Brentwood Road at a dangerous point as Brentwood Road is a busy highway and the crossing point would be at the bottom of a hill just as Brentwood Road bends due west. To have a Pegasus crossing at this point would be considered dangerous with vehicles accelerating around a lefthand bend as they leave Chadwell St. Mary just at the point of the proposed Pegasus crossing.
PROW – Footpath (redesignated as bridleway)	From Brentwood Road at FP78 to High House Lane	DR-AX00021 within Application Document 9.60 Supplementary Walking, Cycling and Horse Riding (WCH) Maps (Volume B)	Figure 2 – Appendix 2	<p>The Interested Party understands that High House Lane is highway land up to FP78 and thereafter as a private means of access. We understand that the Applicant is diverting this private means of access along the route of the proposed upgraded FP78.</p> <p>The junction of FP78 and the Brentwood Road is the main access point at which illegal activity enters the Farm on motorbikes and quadbikes and the upgrading of this to a bridleway will result in the inability for the private means of access to be securely gated. This would result in an excessive amount of illegal activity occurring from Chadwell St. Mary on to the Interested Party's land and conflicting with both the private means of access and the proposed horse riders. It is imperative that this diverted private means of access is secured, noting that the access needs to be of a sufficient width to accommodate articulated lorries. The interface of articulated lorries, farm traffic and other legitimate private use raises significant safety concerns. The result of upgrading it to a bridleway will make it impossible for the Interested Party to secure their boundaries.</p>

## Appendix 1



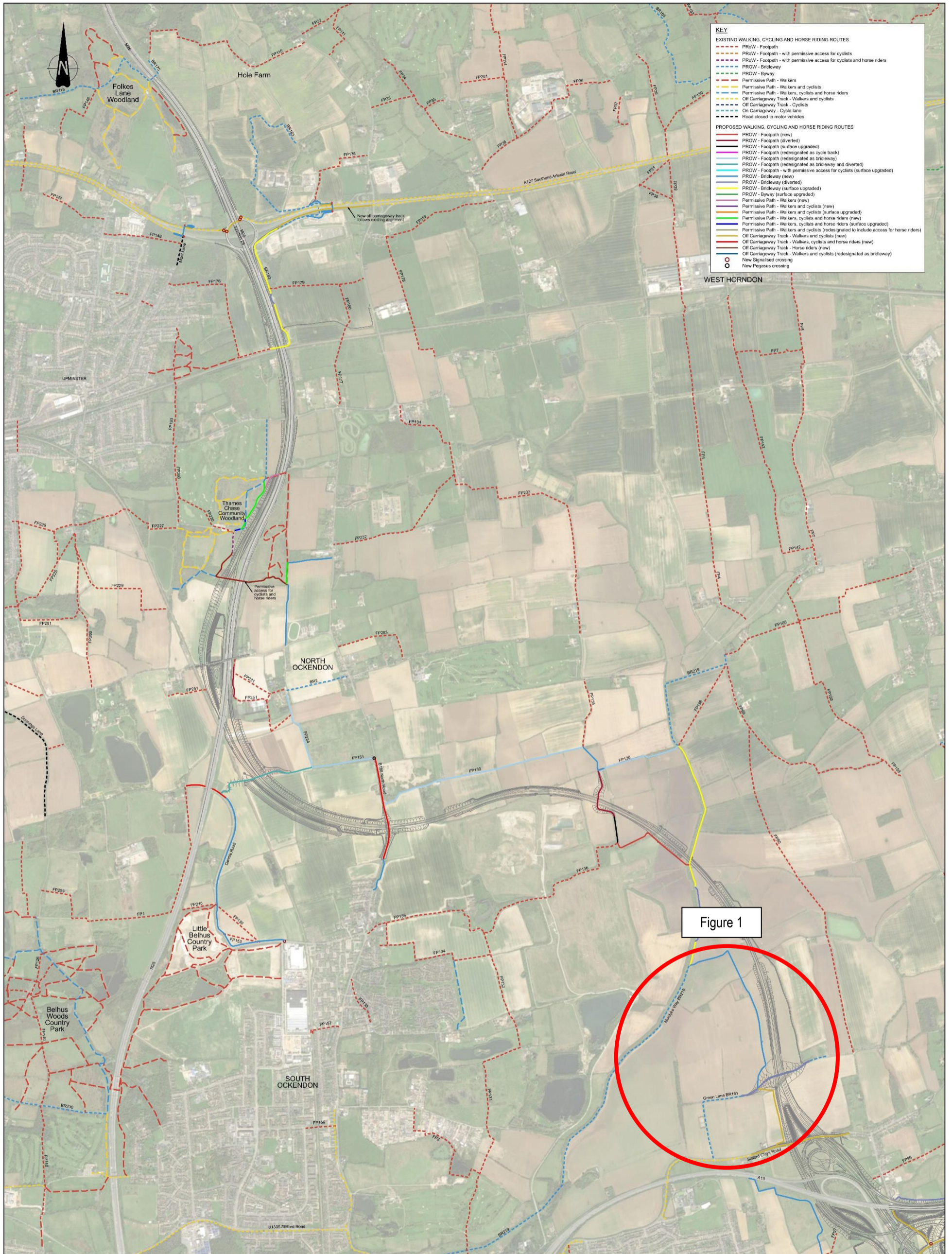


Figure 1

Source: CIP, Mosaic, Esri/UK Ordnance Survey, and the OS User Community

Notes:

The aerial background map is shown for contextual purposes only (2018).

The Project Order Limits Boundary has been omitted for clarity.

The proposed works shown are illustrative only and will be subject to change as part of detailed design development. Any changes will be limited to being within the constraints included in the Development Consent Order (application document TR010032/APP/3.1).

Further detail of WCH provision is provided in the Project Design Report (Application Document No. 7.4) and the Design Principles (Application Document No. 7.5) of the Development Consent Order.

Rev	Status	Rev. Date	Purpose of revision	Drawn	Checked	Approved
P01	SB	03/08/2023	Deadline 2	EB	BC	JBa

Client:

Project: LOWER THAMES CROSSING

Status: Deadline 2	Original Size: A1	Revision: P01
Application Document Number: TR010032/EXAM/9.60	Scale: NTS	
Drawing title: Proposed Walking, Cycling and Horse Riding Routes North of the River 2 of 2		
Drawing Number: HE540039-CJV-SAR-ZZZ_ZZ000000_-DR-AX-00022		



## Appendix 2



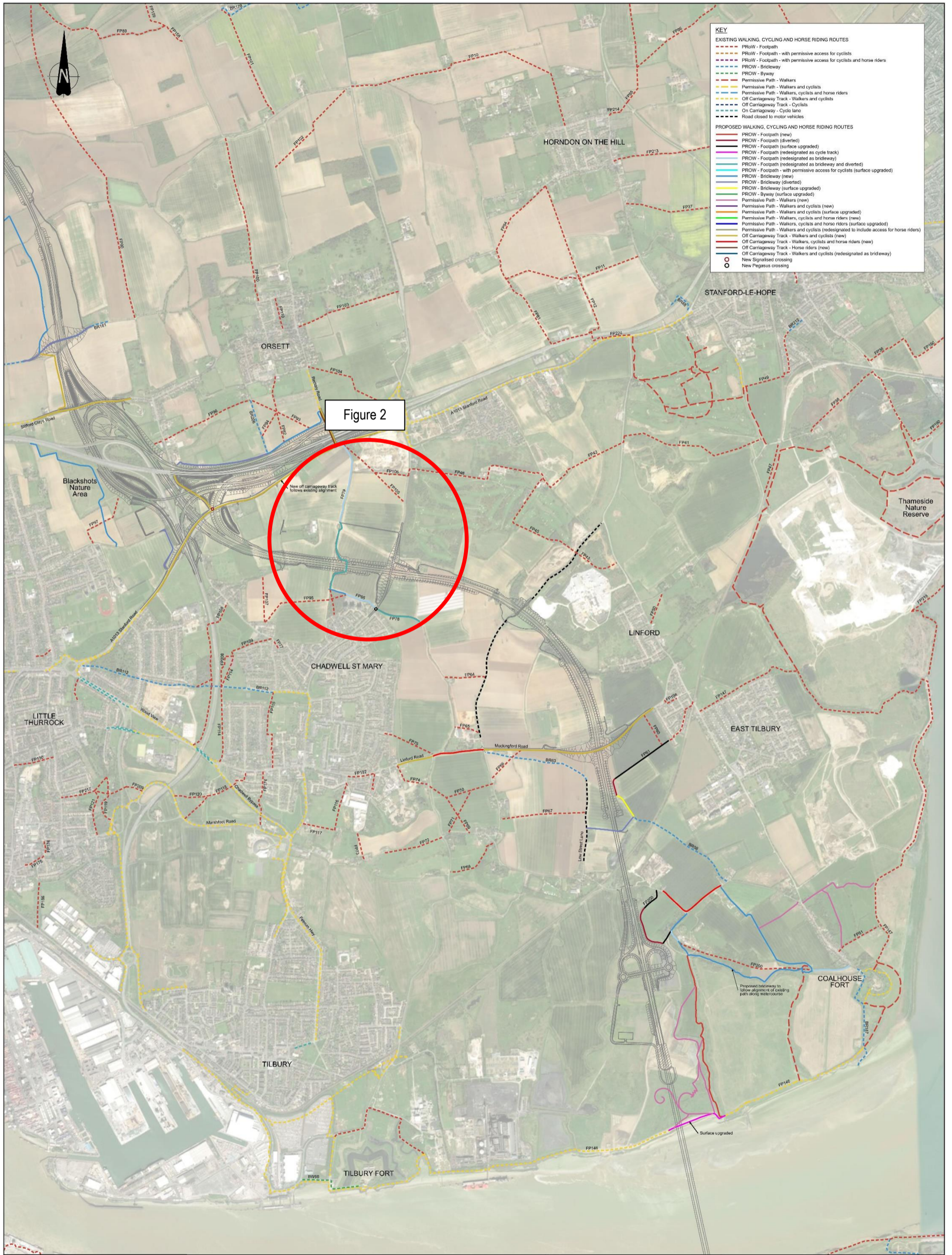


Figure 2

KEY	
<b>EXISTING WALKING, CYCLING AND HORSE RIDING ROUTES</b>	
---	PROW - Footpath
---	PROW - Footpath - with permissive access for cyclists
---	PROW - Footpath - with permissive access for cyclists and horse riders
---	PROW - Bridleway
---	PROW - Byway
---	Permissive Path - Walkers
---	Permissive Path - Walkers and cyclists
---	Permissive Path - Walkers, cyclists and horse riders
---	Off Carriageway Track - Walkers and cyclists
---	Off Carriageway Track - Cyclists
---	Off Carriageway - Cycle lane
---	Road closed to motor vehicles
<b>PROPOSED WALKING, CYCLING AND HORSE RIDING ROUTES</b>	
---	PROW - Footpath (new)
---	PROW - Footpath (diverted)
---	PROW - Footpath (surface upgraded)
---	PROW - Footpath (redesignated as cycle track)
---	PROW - Footpath (redesignated as bridleway)
---	PROW - Footpath (redesignated as bridleway and diverted)
---	PROW - Footpath - with permissive access for cyclists (surface upgraded)
---	PROW - Bridleway (new)
---	PROW - Bridleway (diverted)
---	PROW - Bridleway (surface upgraded)
---	PROW - Byway (surface upgraded)
---	Permissive Path - Walkers (new)
---	Permissive Path - Walkers and cyclists (new)
---	Permissive Path - Walkers and cyclists (surface upgraded)
---	Permissive Path - Walkers, cyclists and horse riders (new)
---	Permissive Path - Walkers, cyclists and horse riders (surface upgraded)
---	Permissive Path - Walkers and cyclists (redesignated to include access for horse riders)
---	Off Carriageway Track - Walkers and cyclists (new)
---	Off Carriageway Track - Walkers, cyclists and horse riders (new)
---	Off Carriageway Track - Horse riders (new)
---	Off Carriageway Track - Walkers and cyclists (redesignated as bridleway)
○	New Signalled crossing
○	New Pegasus crossing

Source: CIP, Moven, Esri/Map Geographics, and the OS Open Community														
Notes:														
The aerial background map is shown for contextual purposes only (2018).														
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The proposed works shown are illustrative only and will be subject to change as part of detailed design development. Any changes will be limited to being within the constraints included in the Development Consent Order (application document TR010032/APP/3.1).														
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<table border="1"> <tr> <td>Rev</td> <td>Status</td> <td>Rev. Date</td> <td>Purpose of revision</td> <td>Drawn</td> <td>Checked</td> <td>Approved</td> </tr> <tr> <td>P01</td> <td>S9</td> <td>03/08/2023</td> <td>Deadline 2</td> <td>EB</td> <td>BC</td> <td>JBa</td> </tr> </table>	Rev	Status	Rev. Date	Purpose of revision	Drawn	Checked	Approved	P01	S9	03/08/2023	Deadline 2	EB	BC	JBa
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Client:

Project: **LOWER THAMES CROSSING**

Status: **Deadline 2**

Application Document Number: **TR010032/EXAM/9.60**

Drawing title: **Proposed Walking, Cycling and Horse Riding Routes North of the River 1 of 2**

Drawing Number: **HE540039-CJV-SAR-ZZZ\_ZZ000000\_-DR-AX-00021**

Original Size: **A1**

Scale: **NTS**

Revision: **P01**



## **Appendix 3**

### **Oral Submission at ISH10 Committed to Writing**



## C H Cole and Sons

### The effect of new Walker/Cyclist/Horse Rider routes

C H Cole & Sons is a 6<sup>th</sup>-generation family farming business, covering some 2500 hectares of land in the Thurrock area. The family are the largest farmers in the area and are probably the most affected party by the Lower Thames Crossing, losing nearly 400 hectares (1,000 acres) to the road and associated works. The road bisects both main farms ( [REDACTED] )

We already accommodate many public access routes and co-operate with the authorities in keeping these in good, operable condition. We have 39 footpaths and 4 bridleways across our farms, totaling nearly 40km of access routes. We are mainly concerned about malicious use, but an independent report (Rohan, March 2022) showed that 86% of 'normal' access users broke the Countryside Code. The upgrading of footpaths to cycle or bridleways is likely to lead to the worst effects detailed in this paper.

We are not opposed to access per se, but in a semi-urban context such as ours, these accesses often result in many difficulties, and considerable ongoing costs, as set out here. We hope that these are fully taken into account when considering further additions, or enhancements.

#### **Here are some of the effects of public access:**

##### **Disruption of essential agricultural practices:**

- The public and farm machinery are incompatible, especially now farm machinery is far larger and faster than it used to be - it is becoming increasingly dangerous to mix the two.
- This is especially so with Bridleways. We have had incidents in the past where horses have been spooked as our farm machinery drives past.
- Creation of a new right of way permanently extinguishes our production capacity on that area, and can lead to ongoing problems e.g. through littering. A recent example being a smashed bottle contaminating a 29 tonne load of grain leading to its rejection by the customer, at a cost of £6,000.
- Spraying of essential crop protection products (and even liquid fertilizer) cannot take place when the public are on the paths. This can lead to many hours of productive time lost as the operator has to wait until it is safe to carry on.
- In the next 10 years tractors are likely to be driven autonomously without any need for humans. For fields that have public routes running through them this crucial productivity development might not be possible.

##### **It opens up our land to illicit activity:**

- Fly tipping – A major blight in S Essex. We get about 2 occurrences per week. The Council will not clear rubbish tipped on land designated as 'private'. Tipping is often via Bridleways (e.g. Green Lane). See fig 1.
- Vandalism and fires: on numerous occasions over the years we have had to call police out due to minors vandalising our buildings, especially near or on public footpaths. See figs 2, 3 & 4.
- Drug dealing and drug taking including the discarding of needles and Nitrous Oxide cylinders. See fig 5 & 6.

- Vehicle nuisance: for example quad bikes, motorbikes and other 4x4s driving all over our fields causing crop damage and posing a considerable danger to our staff and the public. Burned out stolen vehicles are a frequent nuisance. These problems are getting progressively worse. See figs 8,9,10,11 & 12.
- Theft – there are several cases a year of thefts from our buildings or vehicles where access is gained via public routes. The biggest loss was of 2 new telehandlers worth some £200,000.
- Poaching of game birds by catapult or firearms is a frequent occurrence, usually at night but not always. See fig 13.
- Unauthorised access by metal detectorists/‘night hawks’ leading to crop damage, theft and damage to Ancient Monuments etc. See fig 14.
- We see considerably more trespassing near public routes than other parts of the farm. This wastes staff time and often results in littering and crop loss through trampling.
- Illegal Raves: We have now had 3 large gatherings on the farms where participants can access via public routes. They leave a terrific amount of rubbish, including discarded hypodermic needles. See fig 15.
- Hare coursers often enter our land through footpath and bridleway access points. The participants in this illegal activity are often threatening and violent. The damage to crops can be considerable. See fig 16.

#### **Other issues arising from public access routes:**

- Due to the issues pointed out here, they devalue the land in perpetuity.
- Can lead to severance of productive areas.
- They result in a permanent loss of our own amenity, e.g. the loss of areas used for undisturbed wildlife habitat, biodiversity enhancement or for field sports (a commercial activity for us).
- Once paths are created the farm may have to maintain their integrity; this is a permanent cost.
- Staff time and vehicle use to police the routes and rectify the issues arising is a considerable cost to our business in perpetuity – we spend perhaps 5 hours every week dealing with these issues.
- We have had to erect (so far) 4 electric gates at a cost of some £40,000, and many further robust field gates at a similar, or probably greater, cost.
- Dogs off leads are a frequent occurrence. These pollute our salad, vegetable and other crops with urine or faeces.
- Dogs (and to an extent, people) disturb/destroy wildlife e.g. ground nesting birds like skylarks and red-list species like Grey Partridge.
- The sudden appearance of people and dogs can lead to emergency stops of our large vehicles.
- On arable fields access greatly increases the risk of crop fires from BBQs and cigarette ends.
- Additional routes lead to more demands for yet further routes linking to them, exacerbating all of the issues above.

**Jeremy Finnis DL MA FRSB CBiol FCMi FRAGS FIAgrM**

**Managing Partner, CH Cole & Sons**

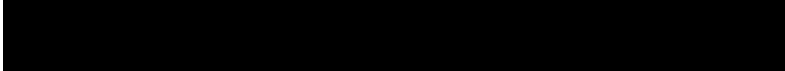
**October 2023**



## **Appendix 4**

### **Photographs of Illegal Use Resulting from Existing WCH Routes**

# C H COLE & SONS

Effects of public access on  Farms





*Fig. 1 - Fly Tipping – all of these images were taken on the same day at [REDACTED] Farm*





*Figs. 2 & 3 - Fence demolished (left) on FP 81 and fire started by youths causing several thousand pounds worth of damage*





*Fig. 4 - £8500 worth of straw bales set alight by children, accessed via Green Lane Bridleway (101)*



*Fig. 5 & 6 - Green Lane (BW101)*

*Hundreds of Nitrous Oxide cylinders dumped on the Bridleway and gates destroyed by hare coursers to gain field access*





*Fig. 7 - Traffic cones thrown into a wildlife-rich pond using Footpath 79 as an access.*





*Fig. 8 & 9 - Accessed via Footpath 67, serious damage caused by a 4x4 on a high value crop of winter salad onions and to the irrigation pipes serving the field*





*Fig. 10 - Motorbikes and quad bikes caught of FP64*



*Figs 11 & 12 - Stolen and burned-out vehicles abandoned on fields, causing pollution and soil damage. These accessed via Mardyke Way (BW219)*





*Figs. 13 & 14 - Motorbike rider armed with a shotgun for poaching Rainbow Lane and Metal detectorists working without permission at [REDACTED] farm, accessed by FP78*





*Figs. 15 & 16 - The aftermath of an illegal rave, accessed via Green Lane and Mardyke bridleways and Police attend yet another hare coursing incident at [REDACTED] Farm*