

**TRANSPORT AND WORKS ACT 1992: PROPOSED NETWORK RAIL
(ESSEX AND OTHERS LEVEL CROSSING REDUCTION) ORDER**

**TOWN AND COUNTRY PLANNING ACT 1990: REQUEST FOR DEEMED
PLANNING PERMISSION**

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

STATEMENT OF MATTERS

This Statement relates to the public inquiry to be held into the applications by Network Rail Infrastructure Limited for:

- (i) the above Order under the Transport and Works Act 1992 (“TWA”), and
- (ii) a direction as to deemed planning permission for the development for which provision is included in the TWA Order.

This statement sets out pursuant to rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004 the matters about which the Secretary of State for Transport particularly wishes to be informed for the purposes of his consideration of the applications.

- 1. The aims and the need for the proposed Network Rail (Essex and Others Level Crossing Reduction) Order Scheme (“the scheme”).**
- 2. The main alternative options considered by Network Rail and the reasons for choosing the proposals comprised in the scheme.**
- 3. The extent to which the proposals in the TWA Order are consistent with the National Planning Policy Framework, national transport policy, and local transport, environmental and planning policies.**
- 4. In relation to each of the 58 level crossings to be closed, the 2 level crossings to be redesignated, and the proposed diversionary routes to be created:**
 - (a) the likely impacts on land owners, tenants, local businesses, the public, utility providers and statutory undertakers, including any adverse impact on their ability to carry on their business or undertaking or access their properties;**
 - (b) impacts on other users;**
 - (c) impacts on flood risk;**

(e) impacts on any Site of Special Scientific Interest and local wildlife sites;

(f) impacts on the landscape, agricultural land and forestry;

(g) any other environmental impacts including noise and health; and

(h) the suitability (including length, safety, design, maintenance and accessibility) of diversionary routes proposed for each right of way proposed to be closed.

5. The measures proposed by Network Rail to mitigate any adverse impacts of the scheme including any protective provisions proposed for inclusion in the draft TWA Order or other measures to safeguard the operations of utility providers or statutory undertakers.

6. Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the DCLG Guidance on the “Compulsory purchase process and the Criche Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” (published on 29 October 2015):

a) whether there is a compelling case in the public interest for conferring on Network Rail powers compulsorily to acquire and use land and rights in land for the purposes of the scheme; and

b) whether the land and rights in land for which compulsory acquisition powers are sought are required by Network Rail in order to secure satisfactory implementation of the scheme.

7. The conditions proposed to be attached to the deemed planning permission for the scheme, if given, and in particular whether those conditions satisfy the six tests referred to in Planning Practice Guidance, Use of Conditions (Section ID:21a).

8. Network Rail’s proposals for funding the scheme.

9. Whether the statutory procedural requirements have been complied with.

10. Any other matters which may be raised at the inquiry.

Notes

It should be noted that whilst the above matters appear to the Secretary of State, from the evidence so far available, to be the principal ones that need to be addressed, this statement does not preclude the inquiry Inspector from hearing evidence on any other matters that he may consider relevant to the consideration of the application. In addition this statement does not pre-

determine the order in which issues are to be addressed at the inquiry, nor does it imply any order of importance.

The Secretary of State will be required to make a specific decision in relation to each of the proposed crossing closures and associated provisions relating to the respective crossing, within the scheme. The Inspector is invited to make recommendations to the Secretary of State accordingly.

TWA Orders Unit
Department for Transport
August 2017