

**TRANSPORT AND WORKS ACT SECTION 1 AND 5
THE NETWORK RAIL (ESSEX AND OTHERS LEVEL CROSSING REDUCTION)
ORDER 201X**

REFERENCE: DPI/Z1585/17/12

1. The Inspector's note of 13 November stated that the modification proposed by Mr Philpot was not one which the Secretary of State would be prepared to accept for consideration.
2. It is noted that Network Rail had also made a request for alteration of the order limits in relation to a number of the proposed alternative routes to accommodate requests by affected landowners and to assist with the withdrawal of objections to the scheme. It was Network Rail's case that the proposed changes would not extend the compulsory powers of the scheme over land or for rights in land except with the agreement of the affected landowner. In response to Network Rail's submission, the Secretary of State had concluded that such alterations were of a minor nature and could be accommodated within the scheme.
3. The alteration suggested by Mr Philpot is not dissimilar in nature to those proposed by Network Rail for which authorisation of the Secretary of State was obtained.
4. There is an unresolved issue as to whether the approval sought by Network Rail applied to the Essex Order in addition to it applying to the Cambridge and Suffolk TWA Orders. Ultimately it will be a matter for the Secretary of State to determine whether the alterations to the lines of the proposed alternative footpaths suggested by Network Rail, Mr Philpot and Mr Edmonston are ones which can be accommodated in the final scheme.
5. In the meantime the Inspector will consider the suggestions made by Mr Philpot and Mr Edmonston, and will report to the Secretary of State on those suggestions for his determination.
6. In order that consideration of the proposed alternatives does not prejudice the interests of other parties, Mr Philpot and Mr Edmonston should write to the Highway Authority¹, the Ramblers Association, the Local Access Forum for their area and to Network Rail describing in writing and showing in plan form their proposals and ask for any comments those parties may have to be sent to the Programme Officer within 21 days of the date of their letters. In addition, Mr Edmonston should also obtain the written consent of the neighbouring landowners who whose property would be affected by his proposal.

¹ Essex County Council (Helen Baker, Definitive Map and Records Officer) for E37; Hertfordshire County Council (Gavin Harbour-Cooper, Definitive Map Officer) for H04

7. The Inspector's note of 13 November 2018 is hereby cancelled.

Alan Beckett

Inspector

3 December 2018