

## NETWORK RAIL (ESSEX AND OTHERS LEVEL CROSSING REDUCTION) ORDER

### COMPLIANCE WITH STATUTORY PROCEDURES

#### Transport and Works Act 1992 (“The Act”)

#### Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (“The Rules”)

#### Transport and Works (Inquiries Procedure) Rules 2004 (“The Inquiries Rules”)

1. The application for the proposed Transport and Works Act Order was submitted to the Secretary of State for Transport on 31 March 2017. A copy of the application letter, as required under Rule 9, is provided at TAB 1.
2. Rule 10 lists the documents that are required to be submitted with an application. For this Order, the following documents were those that were applicable and submitted with the application:

Document	Rule Document is required under
Draft Order	10 (2)(a)
Explanatory Memorandum	10 (2)(b)
Statement of Aims	10 (2)(c)
Consultation Report	10 (2)(d)
Screening Decision given by the Secretary of State	10 (2)(g)
Funding Statement	10 (3)(a)
Plans and Sections	10(3)(b)(i), 10(4) and in accordance with Rule 12(5)
Estimate of Costs	10 (3)(b)(ii)
Book of Reference	10(4), in accordance with Rule 12(8) and subject to Rule 12(10)

Although not a statutory requirement, Network Rail also submitted with the application:

- a) A request for deemed planning permission for the development in the Order under Rule 10(6); and
- b) A Design Guide.

A copy of the letter confirming receipt of the application documents by the Transport and Works Act Orders Unit is provided at TAB 2.

3. Rule 14 (1) requires the applicant to publish a notice in the London Gazette which shall:
  - (a) state the name of the applicant and the address given pursuant to rule 9(2);
  - (b) state to whom the application has been made;
  - (c) state whether the application is subject to an environmental impact assessment;
  - (d) summarise the main proposals and specify the location of the proposed works (if any);and

(e) state the address to which objections or other representations are to be sent and the expiry date for objections

Notice was published for compliance with this Rule in the London Gazette on March 31 2017. A copy of this notice can be found at TAB 3.

4. Rule 14 (2) requires the applicant to publish in a local newspaper circulating in the area (or each of the areas) in which the proposals contained in the application are intended to have effect, a notice in the form of Form 1 in Schedule 2 to the Rules on 2 separate occasions, the first publication to be not more than 14 days before, and not later than, the date of application and the second to be not more than 7 days after the date of application. Notices were published for compliance with this Rule in the following newspapers:

<b>Newspaper</b>	<b>First Publication Date</b>	<b>Second Publication Date</b>
Bishops Stortford Observer	Thursday 30 <sup>th</sup> March	Thursday 6 <sup>th</sup> April
Braintree & Witham Times	Thursday 30 <sup>th</sup> March	Thursday 6 <sup>th</sup> April
Brentwood Gazette	Wednesday 29 <sup>th</sup> March	Wednesday 5 <sup>th</sup> March
Clacton Gazette	Thursday 30 <sup>th</sup> March	Thursday 6 <sup>th</sup> April
Colchester Evening Gazette	Thursday 30 <sup>th</sup> March	Thursday 6 <sup>th</sup> April
Echo Basildon/Southend	Thursday 30 <sup>th</sup> March	Thursday 6 <sup>th</sup> April
Harlow Star	Thursday 30 <sup>th</sup> March	Thursday 6 <sup>th</sup> April
Harwich & Manningtree Standard	Friday 24 <sup>th</sup> March	Friday 7 <sup>th</sup> March
Herts Mercury	Thursday 30 <sup>th</sup> March	Thursday 6 <sup>th</sup> April
Maldon & Burnham Standard	Thursday 30 <sup>th</sup> March	Thursday 6 <sup>th</sup> April
Romford Recorder	Friday 24 <sup>th</sup> March	Friday 7 <sup>th</sup> March
Saffron Walden Reporter	Thursday 30 <sup>th</sup> March	Thursday 6 <sup>th</sup> April
Suffolk Free Press	Thursday 30 <sup>th</sup> March	Thursday 6 <sup>th</sup> April
Thurrock Gazette	Thursday 30 <sup>th</sup> March	Thursday 6 <sup>th</sup> April

Copies of these papers containing the notice can be found at TAB 4.

5. Rule 14(4) requires, in the case of an application authorising the works or other matters specified in any of the categories in column (1) of the table in Schedule 6 to the Rules, the applicant to serve upon those named against each category in column (2) of that table a notice containing the information specified in paragraph (5) of Rule 14, and stating the capacity (or, if there is more than one, the capacities) in which the recipient of the notice is served.

Paragraph (5) of Rule 14 sets out that the information (referred to in paragraph (4)) is—

- (a) the name of the applicant;
- (b) to whom the application has been made, and the address to which objections or other representations are to be sent;
- (c) a statement as to whether the application is subject to an environmental impact assessment;

(d) a concise summary of the matters for which provision is to be made in the Order for which application has been made (and (where relevant) including a statement that deemed planning permission has been sought);

(e) the names of all places where a copy of the application and of the documents which are required by these Rules to accompany it may be inspected; and

(f) a statement that, until that date, any objection to the making of the Order, or any other representation in relation to it, may be made in writing, stating the grounds for the objection or other representation, to the Secretary of State.

For compliance with this Rule, notices were served in the form prescribed on 31 March 2017. Details of the recipients of this notice are set out in the affidavit of Andrew Thornber, which can be found at TAB 10.

6. Rule 14(6) requires the applicant to display a notice in the form of Form 2 in Schedule 2 upon, or as close as reasonably practicable to, the proposed site of the works at a place accessible to the public.

Rule 14(7) requires, in the case of an Order authorising:

(a) the extinguishment or diversion (whether such diversion would be permanent or temporary) of a public right of way; or

(b) the stopping-up or diversion of a street, or a restriction on the use of the street by any person or traffic, whether such stopping-up, diversion or restriction would be permanent or, in the case of a street specifically named in the proposed order, temporary

the applicant to display a notice in the form of Form 3 in Schedule 2 to the Rules, upon the right of way or street at, or as close as is reasonably practicable to, each point of extinguishment, diversion, stopping-up or restriction.

Rule 14(9) requires the applicant to use their best endeavours to ensure that every notice displayed under the provisions of Rule 14(6) and (7) shall continue to be displayed in a legible form until the expiry date for objections.

Notices were displayed in compliance with these Rules, notices were displayed and maintained on site, for a period of 42 days from 31 March 2017 as described in the affidavit of Nigel Billingsley, which can be found at TAB 9.

A copy of the Rule 14(6) notice can be found at TAB 5.

A copy of the Rule 14(7) notice can be found at TAB 6.

7. Rule 14(10) requires the applicant to supply a copy of the application, or of any document that these Rules require shall accompany an application, to any person who requests such a copy, subject to the payment by that person of a reasonable charge for the provision of that copy, and the applicant shall ensure that information as to how such copies may be obtained is displayed at every place at which copies of the application and those documents are made available for inspection.

A notice stating how documents can be obtained was displayed at every deposit location from 31 March 2017.

A copy of this notice can be found at TAB 7.

8. Rule 15(1) requires the applicant to serve a notice in the form of Form 5 in Schedule 2 to these Rules (in this rule referred to as "Form 5") upon all those, other than the applicant and the owner of any Crown interest, named in the book of reference.

Rule 15(2) requires that in every case where, pursuant to rule 12(10), the applicant has indicated in the book of reference that relevant names have or might have been omitted, he shall, forthwith after the application has been made, serve a notice in the form of Form 5 in the manner provided by section 66(4)(a) and (b) of the Act (unknown owner notices).

On 31 March 2017 notices was served in compliance with Rule 15(1) and where applicable unknown owner notices were placed on site in compliance with Rule 15(2).

The notices were served on all those listed in the Book of Reference in accordance with Rule 12(8) and subject to Rule 12(10).

A copy of the template Rule 15 notices can also be found at TAB 8.

9. Network Rail submitted a note to the Inspector dated 22 December 2017 (a copy can be found at TAB 9) which explains that an audit of the Book of Reference subsequently revealed a number of parties were found to be missing from the Book of Reference. The note gives the details of the steps taken to identify further interests in land. The supporting table details the resulting notices that were served in October and November 2017 on parties missing from the Book of Reference. A updated Book of Reference in accordance with Rule 12(8) and subject to Rule 12(10) has been submitted to the Inspector on the same date as this revised compliance folder. .

10. Rule 10(8) requires that, as soon as practicable after the date of an application, the applicant shall submit to the Secretary of State evidence by affidavit of compliance with the provisions of rules 13 (specifically Rule 13(1), the deposit of the application documents with every local authority affected by the scheme, and deposit of the application documents in the House of Commons and House of Lords, and Rule 13(3), the deposit of application documents with the relevant bodies listed in Schedule 5 of the Rules) 14(1) to (8) and 15, and shall exhibit to any such affidavit copies of notices placed in newspapers and the London Gazette (and Lloyd's List if applicable) in accordance with rule 14. Sworn affidavits were submitted to the Transport and Works Act Orders Unit on 19 July 2017 and 31 August 2017.

Copies of the Affidavits, as well as the letter of acceptance of the affidavits from the Transport and Works Act Orders Unit can be found at TAB 10.

11. Rule 13 (6) of the Inquiries Rules requires that the applicant shall not later than 2 weeks before the date fixed for the commencement of an inquiry—
  - (a) post a notice of the inquiry in a conspicuous place or as close as reasonably practicable to, the land to which the powers sought in the application relate;
  - (b) post a notice of the inquiry in one or more places where public notices are usually posted in the area in which the proposals contained in the application relate;
  - (c) publish a notice of the inquiry by local advertisement in the area in which the proposals contained in the application are to have effect.

For compliance with Rule 13(6) Notice of the public Inquiry was advertised in the papers and on the dates referred to below. Notices were also posted on site and at the places where public notices are usually posted in the area in which the proposals in the application relate.

<b>Newspaper</b>	<b>Publication Date</b>
Bishops Stortford Observer	Thursday 28 <sup>th</sup> September 2017
Braintree & Witham Times	Thursday 28 <sup>th</sup> September 2017
Brentwood Gazette	Wednesday 27 <sup>th</sup> September 2017
Clacton Gazette	Thursday 28 <sup>th</sup> September 2017
Colchester Evening Gazette	Thursday 28 <sup>th</sup> September 2017
Echo Basildon/Southend	Thursday 28 <sup>th</sup> September 2017
Harlow Star	Thursday 28 <sup>th</sup> September 2017
Harwich & Manningtree Standard	Friday 29 <sup>th</sup> September 2017
Herts Mercury	Thursday 28 <sup>th</sup> September 2017
Maldon & Burnham Standard	Thursday 28 <sup>th</sup> September 2017
Romford Recorder	Friday 29 <sup>th</sup> September 2017
Saffron Walden Reporter	Thursday 28 <sup>th</sup> September 2017
Suffolk Free Press	Thursday 28 <sup>th</sup> September 2017
Thurrock Gazette	Thursday 28 <sup>th</sup> September 2017

A copy of these notices can be found at TAB 11.

**Winckworth Sherwood**

**September 2018**