

Network Rail (Essex and others Level Crossing Reduction) Order

Process for registration of Authorised Users

In two instances, Network Rail proposes to extinguish some or all public highway rights over level crossings but to maintain private rights over the railway for “Authorised Users”.

This term is defined in article 26(3) of the Order (grant of rights over level crossings) as meaning *“any person to whom Network Rail grants a permit on written request to use any crossing referred to in paragraph (2) for such purposes or to access such land as may be specified in the permit on such terms and conditions as Network Rail may reasonably specify”*.

The provision was drafted in this way to provide for a permit system to authorise individuals or their vehicles for particular purposes. Such users will generally be those who currently use the crossing to access land and property, their lawful invitees and others providing services (such as refuse collection/emergency services) where such access is not practicable by another route, or where land is held by one owner adjoining the railway on both sides. Tenants at will, and those without a longer term interest in the land (such as allotment holders (i.e. at H01- Trinity Lane)), would not be recorded individually by Network Rail owing to frequent changes in details. Network Rail will continue to maintain appropriate signage at all crossings to advise all users of the correct procedure for using the level crossing, but any Authorised User extending access to invitees would be expected to ensure their invitees are made aware of the method of safe operation of the crossing.

Where such permission is granted, appropriate gates will be installed (or retained) on either side of the railway and Authorised Users will usually be provided with keys or a security code, depending on the numbers of users/type of lock. In the case of H01-Trinity Lane level crossing it is proposed that the crossing keeper would operate the gate for Authorised Users. In the case of E15- Margaretting/Parsonage Lane it has been agreed with the prospective Authorised Users that the gates would not be locked and signage would be installed to indicate that there is no public right of way over the railway.

In most cases, prospective Authorised Users will already be known to Network Rail as they will have been consulted as part of the closure process (in this case, the TWAO). Those persons will be approached by Network Rail in advance of the extinguishment of the highway rights at the crossing to confirm whether they require access and to provide them with the necessary means of unlocking the crossing gates (where applicable). Network Rail will also make enquiries in respect of other users, for example by posting notices on either side of the crossing ahead of its closure inviting users to make contact with Network Rail.

Those persons identified as “Authorised Users” will be added to Network Rail’s Authorised User database. This database is maintained and controlled by Network Rail’s Liability Negotiations team, and referred to by the Level Crossing Managers as the ‘definitive’ list of private users at a crossing.

Network Rail keeps the continuing need for use of all private crossings under review. If, for example, an Authorised User ceases to own or occupy land on both sides of the line, or if alternative access becomes available, the requirement to permit private use of the crossing would end.

It is worth noting, for the avoidance of doubt, that in all cases the established restrictions on increasing the burden of accommodation works apply; for instance, a farmer could not develop his land into a housing estate and extend his right of access to each householder.

Crossings referred to in Article 26 and Indicative Authorised User Criteria

Crossing	Indicative Authorised User Criteria
H01 – Trinity Lane	Broxbourne Borough Council as owner of the allotments and Lee Valley Regional Park Authority for the purposes of access.
E15 – Margaretting/Parsonage Lane	Owners and occupiers of land south of the railway requiring ‘full height’ access across the railway at this location (i.e. users who cannot use the proposed alternative underbridge access).

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