

The Network Rail (Essex and Others Level Crossing Reduction) Order ("the Order")

Note regarding withdrawal of crossings from the Order

Introduction

On day 37 of inquiry (6 December 2018), the Ramblers made a formal request, through counsel, for Network Rail (NR) to explain the reasons why crossings E42 Sandpit and E57 Wivenhoe were withdrawn from the Order.

E42 Sandpit

As indicated on 6 December, information on the withdrawal of E42 is included in Mr Brunnen's rebuttal of evidence of Mr Peter Kay and Mr Cyril Liddy (NR27/4/1).

E57 Wivenhoe Park

Network Rail received 7 objections to the closure of crossing E57, including, from the affected private landowner (Mr Gooch) (Obj/157), Colchester Borough Council (Obj/141), the University of Essex (Obj/177) and the Ramblers (Obj/148).

The objections raised a number of issues which Network Rail tried to resolve prior to the inquiry.

One of the issues in respect of the proposals for E57, raised by the University of Essex, related to the ownership of land over which the new vehicular access was to be provided for the benefit of the authorised vehicular user of the crossing (i.e. Mr Gooch); that is, plot numbered 02 on Sheet 42 of the Order plans. This was identified in the Book of Reference (as submitted with the application documents) as a public road.

Further information and subsequent investigation (including investigations with HM Land Registry and of title history) confirmed that the registered estate in this plot had, in fact, passed to the Crown.

The Crown was not able to grant an easement over the land (providing a right of access for Mr Gooch), but was willing to sell the whole of the land. As the process for acquiring Crown land is onerous and prolonged, it became clear that Network Rail would not be able to acquire the necessary rights in land, and thus resolve the land issue for the inquiry commencing in October 2017.

Network Rail therefore wrote to objectors on 6 October 2017 to advise of the withdrawal of crossing E57.

28.1.2019