

TRANSPORT AND WORKS ACT 1992
THE NETWORK RAIL (ESSEX AND OTHERS LEVEL CROSSING REDUCTION) ORDER
(“THE ORDER”) INQUIRY

NOTE ON FILLED-UP ORDER DATED 29.01.2019

1 Changes to Filled-Up Order dated 29.01.2019

This note explains the further amendments to the Order dated 29.01.2019 submitted to the inquiry on that date. These changes are in addition to those in the filled-up Order (FUO) submitted to the Inspector on 18.10.2017 (NR-101) and on 2.10.2018 (NR-128) which were described in explanatory note (NR-127).

Further amendments arising as a result of discussions with landowners

- 1.1 As raised at the inquiry on day 37 (6.12.2018) Network Rail has been in further discussions with landowners to seek to resolve objections where possible.

As a result, consultation has taken place in relation to amendments proposed by certain landowners to the proposed prowl routes which Network Rail, as applicant, is content to promote. Network Rail has (in accordance with note NR-104) written also to other parties whose interests may be affected by the proposals. The plans were also included on the inquiry website for information. Network Rail consulted on the following crossings between 13 December 2018 and 14 January 2019.

- E06 Elsenham Emergency Hut (sheets 12, 13 and 14); and
- E48 Wheatsheaf (sheet 40)

1.1.1 Crossing E06 – Sheets 12, 13 and 14

- (i) Sheet 12 has been amended to show a new proposed footway in plot 17A in place of the diversion to footpaths EX/13/22 and EX/25/15. It also contains corrections resulting from adjustments made due to projection issues (previously explained in NR-127), as follows:

- position of Definitive Map (DM) has been corrected. P points P083, P084, P084A and P085 corrected to fit with updated DM. P points P085A, P086 and P087 have been deleted.

- (ii) There are no changes to the proposed diversions on Sheets 13 and 14. There are the following changes due to projection issues on Sheet 13 and Sheet 14:

- Sheet 13 – position of DM has been corrected
- Sheet 14 – position of DM has been corrected. P points P091, P092, P093 P094, P095 and P096 corrected to fit with updated DM.

1.1.2 Crossing E48 – Sheet 40

- (i) The only change on Sheet 40 is a minor adjustment to the line of the proposed footpath in plot 4.

(ii) Changes due to projection issues are described in paragraph 2.14 of NR-128.

The revised plans submitted together with this filled up Order reflect these changes.

Comments have been received by the programme officer from Mr Hutley (obj 85) to clarify his position in relation to the proposed amendments to crossing E48.

In relation to crossing E06 comments have been received from David Lock Associates on behalf of Fairfield (Elsenham) Limited, supplementary to its original objection to the Order (Obj/130). Network Rail responded to Fairfield (Elsenham) Limited on 25.01.2019.

1.2 The consequential amendments to the Order as a result of these changes are as follows:

1.2.1 Crossing E06 Elsenham Emergency Hut

The replacement route has reduced the highway (prow) to be extinguished and created (shown respectively as deletions in columns 3 and 4 of Part 1 of Schedule 2); amended land of which temporary possession may be taken, shown as deletions in column 2 of Schedule 6 for the parish of Elsenham and renaming of a plot, 16A, previously part of plot 16.

Other consequential changes to the Order include additions in Schedules 7, 8 and 9 to provide for the temporary stopping up and street works to create a new footway in Old Mead Road.

1.2.2 Crossing E48 Wheatsheaf

Network Rail has amended its original proposal at E48 in response to comments from Mr Hutley (Obj/85) to locate the new footpath as close to the field edge as possible.

There is no change required to the Order due to this minor adjustment.

1.2.3 Crossing E12 Wallaces

Network Rail has had discussions with Audley End Estate (Obj/66). The parties have reached agreement on closure of crossing of E12 Wallaces privately and without the need to rely on powers in the Order. Once the parties have completed the agreement and Audley End Estate formally withdraws its objection to that crossing Network Rail will withdraw the crossing from the Order.

Other minor changes to the Order

1.3 Minor corrections have been made:

1.3.1 in column 1 Part 2 of Schedule 2 - references to the Counties and Districts in entries for Old Lane (E01), Dixies (E10), High Elm (E43) and Maria Street (E49);

1.3.2 in column 3 of Schedule 6 – to amend the purpose for which temporary possession may be taken of plot 24 in Parish of Cressing (E37) and

1.3.3 in column 3 Part 1 of Schedule 2 – to correct footpath references EX/12/15 (Henham) and EX/27/7 (Henham)

Winckworth Sherwood LLP

29.01.2019