

THE PROPOSED NETWORK RAIL (ESSEX AND OTHERS) LEVEL CROSSING REDUCTION ORDER

Note

In response to the Inspector's request for clarification on the process for temporary road closure where a public right of way is in existence

1. Ms Partridge (Obj/205) expressed concern that should a public right of way be created along Domsey Chase to allow the closure of E22 Great Domsey level crossing, it would prevent urgent rectification of water or drainage issues affecting the six residential properties at Domsey Chase which are served by a private well and cesspit, for which infrastructure is located underneath Domsey Chase.
2. The provisions in s. 14 of the Road Traffic Regulation Act 1984 empower a Highway Authority (in this case, Essex Highways) to grant a temporary traffic regulation order for temporary 'road' closures (for these purposes a 'road' includes a public right of way).
3. Grant of a temporary traffic regulation order is via a statutory procedure and Essex Highways state an application will take "a minimum of 12 weeks to process" (useful guidance can be found on Essex Highways website – link below).
4. However, on application, Essex Highways can also issue an 'urgent' notice (a temporary traffic regulation notice) permitting the immediate temporary closure of a road. There is no prescribed statutory procedure Essex Highways must follow in order to grant an urgent notice in an emergency or unplanned situation.
5. Essex Highways identifies examples of when such urgent notice may be granted – e.g. "a water/gas main leak" or "unsafe structure".
6. An urgent notice can be issued for no more than 5 consecutive days for necessary and expedient works or, if there is a genuine risk to public safety not attributable to works, for a period of no more than 21 consecutive days.
7. There is a charge of £140 for the grant of an urgent notice.
8. However, depending on the extent of works required in order to access services passing beneath Domsey Chase, it may be that such works may not be considered to constitute an obstruction to the proposed public right of way such as to require a temporary traffic restriction notice. Whether the extent of works will require an urgent notice is something that could be discussed with Essex Highways at the relevant time.
9. Further information can be found on Essex Highways website: <https://www.essexhighways.org/applications/for-contractors/temporary-traffic-regulation-order.aspx>