

Network Rail (Cambridgeshire Level Crossing Reduction) Order

Network Rail Note No.12

19 December 2017

Process for registration of Authorised Users

In a number of instances, Network Rail proposes to extinguish public highway rights over level crossings but to maintain private rights over the railway for “Authorised Users”.

This term is defined in article 29(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.

Where such permission is granted, 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 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 closure of the crossing to confirm whether they require access and to provide them with the necessary means of unlocking the crossing gates. 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 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 existing restrictions on increasing the burden of accommodation works apply; for instance, an farmer could not develop a housing estate and extend his retained right of access to each householder.

Crossings Referred to in Article 29 and Indicative Authorised User Criteria

[Middle Drove]	[Withdrawn from Order]
Silt Drove	Agricultural landowners owning and occupying land northeast of railway line, owing to unsuitability of Badgeney Road, which is a residential street, for agricultural access.

Poplar Drove	Owners and occupiers of agricultural land adjoining both sides of the railway
Black Horse Drove	All owners and occupiers of land west of the railway, both agricultural and residential, for which Black Horse Drove currently provides the only public highway access
Westley Road	Owners and occupiers of agricultural land adjoining both sides of the railway

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