

## **TRANSPORT AND WORKS ACT 1992**

### **TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006**

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

##### **RULE 10(6) REQUEST FOR PLANNING PERMISSION**

1. Network Rail Infrastructure Limited requests, pursuant to rule 10(6) of the Transport and Works (Applications And Objections Procedure) (England & Wales) Rules 2006 (S.I. 2006 No.1466) (“the Application Rules”) a direction from the Secretary of State under Section 90(2A) of the Town & Country Planning Act 1990 that, subject to paragraphs 2 and 3 below, planning permission so far as it is required shall be deemed to be granted for the development proposed to be authorised by the draft Network Rail (Essex and Others Level Crossing Reduction) Order (“the draft Order”).
2. The development for which planning permission is requested is development which, in respect of any works or matters, is carried out within any of the limits or at any of the places authorised by the Order.
3. The planning permission requested is intended to be granted subject to the proposed planning conditions set out in Schedule 1 to this request, in accordance with Rule 10(6)(b) of the Application Rules. These include conditions reserving for subsequent approval of the local authority matters relating to archaeology, ecological mitigation, and working hours.

Winckworth Sherwood LLP, Solicitors and Parliamentary Agents, Minerva House, 5 Montague Close, London SE1 9BB on behalf of Network Rail Infrastructure Limited

## **SCHEDULE ONE**

### **PROPOSED PLANNING CONDITIONS**

#### **Interpretation**

In the following conditions:–

“the development” means the development authorised by the Order;

“the local planning authority” means Basildon District Council, Braintree District Council, Brentwood Borough Council, Broxbourne Borough Council, Castle Point Borough Council, Chelmsford City Council, Colchester Borough Council, East Hertfordshire District Council, Epping Forest District Council, Harlow District Council, London Borough of Havering, Rochford District Council, Southend-on-Sea Borough Council, Tendring District Council, Thurrock Council, Uttlesford District Council as respects development in their respective areas;

“Network Rail” means Network Rail Infrastructure Limited;

“the Order” means the Network Rail (Essex and Others Level Crossing Reduction) Order 201[ ]; and

“the scheduled monument” means the crop mark site south of Ardleigh in the District of Tendring, list entry number 1002146.

#### **Time limit for commencement of development**

1. The development must commence before the expiration of five years from the date that the Order comes into force.

*Reason: To set a reasonable time limit for the commencement of the development and to avoid blight.*

#### **Detailed design approval**

2. No development for a footbridge shall commence until written details of its

design and external appearance, including finishing materials have been submitted in writing to and approved by the local planning authority. The development shall be carried out in accordance with the details approved by the local planning authority.

**Reason:** *To ensure compliance with agreed details and satisfactory external appearance for the development.*

### **Ecology**

3. During the bird nesting season (March to July), trees and any other suitable habitat affected by the works should be searched for nesting birds and if any nesting birds are found the nest shall be protected until the young have fledged and left the nest.

4. No development shall commence until a plan describing the mitigation procedures that will apply in the event that any protected species is unexpectedly discovered during construction of the development is submitted in writing and approved by the local planning authority.

**Reason:** *To protect the ecological value of the area.*

### **Archaeology**

5. No development shall commence until a scheme identifying:  
(a) any location where a watching brief is required during construction, and  
(b) appropriate measures to be taken if any significant archaeological remains are found,  
is submitted in writing and approved by the local planning authority.

**Reason:** *To ensure that archaeological artefacts and information are preserved.*

### **Working hours**

6. Except where work is taking place on Network Rail's land, construction of the development will only be carried out between the hours of 8.00 am and 6.00pm.

### **Approval and implementation under these conditions**

7. Where under any of these conditions the approval or agreement of the local planning authority is required, that approval or agreement must be given in writing. The development

must be carried out in accordance with any such approval or agreement, or any subsequent revisions that have been submitted to, and approved by, the local planning authority.

***Reason:*** *To provide for certainty in the approvals and implementation processes.*

### **Scheduled Monument**

8. No physical works (including signposting) will be undertaken so as not to disturb the scheduled monument.

***Reason:*** *To protect the scheduled monument site.*