

**From:** Cole, James C <James.Cole@environment-agency.gov.uk>  
**Sent:** 12 May 2017 17:25  
**To:** TRANSPORTANDWORKSACT  
**Cc:** Mutua, Linda; Bebbington, Tony  
**Subject:** Network Rail (Essex & Others Level Crossing Reduction) Order - Transport & Works Act Order  
**Attachments:** 4013\_001.pdf  
**Importance:** High

**\*\* SENT ON BEHALF OF ANTHONY BEBBINGTON \*\***

Dear Sirs,

Please find attached a copy of our response in connection with the above Order.

I have also sent a copy of this letter by first class recorded delivery in today's post.

If you have any queries please do not hesitate to contact me.

Yours faithfully,

**Anthony Bebbington**  
Estates Operations Manager – East  
**Environment Agency**  
Kingfisher House  
Orton Goldhay  
Peterborough  
PE2 5ZR

[tony.bebbington@environment-agency.gov.uk](mailto:tony.bebbington@environment-agency.gov.uk)  
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Working days: Monday to Friday



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Secretary of State for Transport  
C/O Transport and Works Act Orders  
Unit,  
General Counsel's Office,  
Department For Transport,  
Zone 1/18 Great Minster House,  
33 Horseferry Road,  
London,  
SW1P 4DR

**Our ref:** EST/EEMISC032

**Your ref:**

**Date:** 12<sup>th</sup> May 2017

Dear Sirs,

**Network Rail (Essex & Others Level Crossing Reduction) Order – Transport & Works Act Order**

I am responding on behalf of the Environment Agency in relation to the Proposed Network Rail (Essex & Others Level Crossing Reduction) Order, which confers powers on Network Rail to close or downgrade level crossings within Essex & Hertfordshire.

The Environment Agency ('the Agency') is affected as an interested party at the following site as landowner:

1. **NR E015** – Parsonage Lane / Margaretting
2. **NR E30** - Ferry
3. **NR E31** – Brickyard Farm

The Agency is also affected in relation to how the Order may impact its ability to exercise its statutory functions principally in relation to Flood Risk Management.

The Agency objects to the above Order for the following reasons:

1. Within the locations identified as part of the Order we have primarily identified a number of locations that could be considered and regulated under environmental permits. These six locations are in, over or under a Main River. The Order removes the requirement for Network Rail to obtain an environmental permit at these locations. Schedule 14 replaces this with an alternative process that does not provide an equivalent opportunity for The Agency to consider Network Rail's proposal and to ensure that acceptable impacts on the Main River are avoided.
2. The Agency would normally have the opportunity to respond to planning consultations that are in Flood Zone 2, Flood Zone 3 and within 20 metres of a Main River. Some works are proposed within flood plains and may affect flood flow routes or result in the loss of floodplain. The provisions of Schedule



14 must provide The Agency with at least an equivalent opportunity for it to influence Network Rail's proposals.

3. The proposals in relation to the works that are required at the sites where The Agency is landowner to facilitate the closure of these crossings lack detail. The Agency needs further information on the extent, type and duration of work required on the land owned by The Agency as it has so far been unable to fully assess the impact on its statutory functions and operational powers, Agency assets and tenants at these sites.
4. The Agency requires that Network Rail and The Agency to agree a timeframe and process for where works will be carried out on land owned by The Agency. As referred to above The Agency is not a typical landowner at these sites with a number of areas of land let out to tenants, used for operational purposes and access by multiple departments within The Agency. Adequate time is required to ensure that all relevant parties are informed and any mitigation measures are agreed and implemented to allow these works to take place.

If the terms of this Order do not give the Agency a proper opportunity to consider and influence Network Rail's proposals, which at present lack detail, this could result in flood plain flows/storage being compromised, and an increase in flood risk elsewhere. It could also compromise our access and workings within and close to Main Rivers where the Agency carries out a number of its operational and regulatory powers and duties.

All correspondence regarding this matter must be sent to the following address, FAO Anthony Bebbington, Estates Operations Manager - East, Environment Agency, Kingfisher House, Goldhay Way, Orton Goldhay, Peterborough, PE2 5ZR. This will allow us to consult with the necessary departments and our legal departments to ensure we are able to move this matter forward to a suitable resolution so that this objection can be removed.

We hope the above provides sufficient detail however should you require any further information at this time, please do not hesitate to contact us via the above address.

Yours faithfully,



**Anthony Bebbington**  
**Estates Operations Manager - East**  
**For and on behalf of The Environment Agency**