

TRANSPORT AND WORKS ACT 1992: APPLICATION FOR THE PROPOSED NETWORK RAIL (ESSEX and OTHERS LEVEL CROSSING REDUCTION) ORDER

Essex County Council OBJ 195

Note to Inspector – withdrawal of evidence, and clarification of position

Essex County Council and Network Rail have been working together to enter into a Legal Agreement addressing the concerns of the Highway Authority relating to the implementation of the proposals in the jurisdiction of Essex County Council (ECC).

As a result of this legal agreement, ECC wish to clarify its position, and withdraw the evidence of Garry White.

Certification

ECC are satisfied that there is a process in place for approval of works prior to requests for certification in the Order. The Legal Agreement has satisfied ECC that Network Rail will proactively engage with the Highway Authority in advance of submitting such requests, the Highway Authority will be consulted on 'in detailed' designs before implementation of works, and a process has been agreed that satisfies ECC that it will receive requests in phases to temper the burden of unprogrammed works on ECC.

Commuted Sums

Reference is made in Garry White's Proof regarding the lack of provision in the Order for Network Rail to pay the Highway Authority Commuted Sums for liabilities created by additional network. The terms of the Legal Agreement satisfy ECC that Network Rail will pay a Commuted Sum to the Highway Authority for net increased maintenance burden resulting from implementation of the Order.

Clarification of Position

ECC will not be raising objections to article 15 of the Order both in terms of time frame for certification or lack of provision for approval of works, nor will ECC raise objections for the lack of provision of Commuted Sums.

ECC maintains that without the Legal Agreement it would continue to put evidence in front of the Inquiry that the Order is deficient in those regards.

ECC would also like to take the opportunity to clarify its position as an objector. ECC's objections primarily relate to the particular crossings: E30- Ferry, E31 Brickyard, E38 - Battlesbridge, E43 – High Elm , E48 - Wheatsheaf, E51 –Thornfield Wood and E52 – Golden Square.

ECC will also put questions to Network Rail relating to the process engaged by them to select the crossings included in the order, this being with particular reference to the crossings to which ECC objects.

Date

26 September 2018