

From:
Sent: 24 April 2017 14:53
To: TRANSPORTANDWORKSACT
Subject: Network Rail Essex and Others Level Crossing Reduction Order

Fao Secretary of State for Transport
c/o Transport and Works Act Orders Unit
General Counsel's Office
Department for Transport
Zone 1/18
Great Minister House
33 Horseferry Road
London
SW1P 4DR

Dear Sir/Madam,

Re E30 Ferry and E31 Brickyard Farm Level Crossings

I wish to make a representation to the proposal about the level crossing to the east of Benfleet railway station.

I do not object to the closing of the crossing as such, but suggest that a path is now created (on the north side of the railway line) between point P428 and the car park to the east of the station (15).

This (approx. 50 m length of) land has recently been cleared of any obstructions/foliage.

It would allow the safety of closing a level crossing, without the problems routing any users over the top of a steep hill (at point T007, and down again on Station Road) , and the railway could be safely crossed at the station underpass.

I hope you take this idea on board .

Kind regards

Julian Fautlev

Essex

The information in this e-mail and any attachments is confidential and may be subject to legal professional privilege. Unless you are the intended recipient or his/her representative you are not authorised to, and must not, read, copy, distribute, use or retain this message or any part of it. If you are not the intended recipient, please notify the sender immediately.

HM Revenue & Customs computer systems will be monitored and communications carried on them recorded, to secure the effective operation of the system and for lawful purposes.

The Commissioners for HM Revenue and Customs are not liable for any personal views of the sender.

This e-mail may have been intercepted and its information altered.



Julian Fautley

Essex

Network Rail
James Forbes House
27 Great Suffolk St
London
SE1 0NS

6 September 2017

Ref: Rep/01/ES/R001

Dear Mr Fautley,

**The Network Rail (Essex Level Crossing Reduction) Order
Level crossing E30 Ferry and E31 Brickyard Farm**

The Department for Transport has passed to us your letter of representation to the proposed Order dated 24 April 2017, which has been allocated the reference REP/1.

We note your observations and, below we respond to the point you raise. First, we set out the current and proposed status of the level crossing referred to in your representation letter and briefly explain Network Rail's proposals.

Level Crossing	Current Status	Proposed Status
E30 Ferry & E31 Brickyard Farm	Footpath level crossing	Closure by diversion

We note that you do not object to the closure of the level crossings, but suggest that a path is now created on the north side of the railway line between point P428 and the car park to the east of the station at point 15.

In response, the Order does indeed propose a new footpath link along the car park southern boundary, connecting with the existing Castle Point footpath via point P428 and P431. This new Public Right of Way is proposed along the south side of the car park, rather than deviating to point 15, in order to reduce conflicts between pedestrians and car park traffic.

We hope that our response has addressed the point made in your representation, and has addressed your observations about this level crossing closure. If so, we would be grateful if you would kindly let the Department for Transport know by withdrawing your representation. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me by email on ALCross@networkrail.co.uk or on the address above, quoting the reference number provided.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bridgit Choo-Bennett', with a stylized flourish at the end.

Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team
Network Rail

Caroline O'Neill

REP/2.

From: amanda lindsell
Sent: 28 April 2017 11:05
To: TRANSPORTANDWORKSACT
Subject: Re: Wendens Ambo Parish Council

Wendens Ambo Parish Council

Essex,

Regards,

Wendens Ambo Parish Clerk

On 28 April 2017 at 11:03, TRANSPORTANDWORKSACT
<TRANSPORTANDWORKSACT@dft.gsi.gov.uk> wrote:

Dear Ms Lindsell,

Thank you for your e-mail. Is it possible that you could provide a full postal address so that we can formally register your representation.

Kind regards

Caroline O'Neill

**Caroline O'Neill | Miss, Transport and Works Act Orders Unit, Department for Transport,
1/14-18, Great Minster House, 33 Horseferry Road, London SW1P 4DR | 020 7944 3196 |**

From: amanda lindsell [mailto:
Sent: 28 April 2017 10:51
To: TRANSPORTANDWORKSACT <TRANSPORTANDWORKSACT@dft.gsi.gov.uk>
Subject: Wendens Ambo Parish Council

Dear Network Rail

With regard to the closure of level crossing E11 Windmills can you please clarify;

1. The ownership of the land that is to be used for the replacement footpath.
2. Whether a compulsory purchase will be required.
3. Whether the process would be expedited if no footpath was required.

Many thanks for your assistance.

Regards,

Amanda Lindsell

Wendens Ambo Parish Clerk

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

The information in this email may be confidential or otherwise protected by law. If you received it in error, please let us know by return e-mail and then delete it immediately, without printing or passing it on to anybody else.

Incoming and outgoing e-mail messages are routinely monitored for compliance with our policy on the use of electronic communications and for other lawful purposes.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>



Amanda Lindsell

Saffron Waldon

Network Rail
James Forbes House
27 Great Suffolk St
London
SE1 0NS

6 September 2017

Ref: Rep/02/ES/R001

Dear Ms Lindsell

**The Network Rail (Essex and Others Level Crossing Reduction) Order
Level Crossing : E11 Windmills**

The Department for Transport has passed to us your letter of representation to the proposed Order dated 28 April 2017, which has been allocated the reference REP/2.

You ask for confirmation on land ownership. As set out in the application documents, the footpath crosses private land and Network Rail is proposing to compulsorily acquire the necessary rights to construct the new footpath.

The application documents can be found at <https://www.networkrail.co.uk/running-the-railway/our-routes/anglia/anglia-level-crossings/>. Alternatively you can inspect a copy at one of the locations in the attached list.

Network Rail is under an obligation under the Transport & Works Act 1992 to provide an alternative route unless it can satisfy the Secretary of State that no alternative route is required.

We hope we have answered your points, if so, we would be grateful if you would kindly let the Department for Transport know by withdrawing your representation. We look forward to learning your position.

Meanwhile, if you require further information please do not hesitate to contact me by email on ALCross@networkrail.co.uk or on the above address, quoting the reference number provided.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bridgit Choo-Bennett', with a stylized, cursive script.

Bridgit Choo-Bennett

Anglia Level Crossing Reduction Team
Network Rail

Berry Isobel

Subject:

FW: REP02 note comments : Wendens Ambo PC

From: amanda lindsell [[mailto:](#)

Sent: 15 September 2017 18:23

To: AngliaLevelCrossings

Subject: Rep/02/ES/R001

Dear Ms Choo-Bennet

Thank you for your email clarifying your intention to compulsorily acquire the necessary rights to construct the new footpath.

The Parish Council next meet on 2nd October and will consider your request to withdraw our representation at that meeting.

I will then be back in touch to update you.

Yegards,

Amada Lindsell

Wendens Ambo Parish Clerk

Berry Isobel

From: Choo-Bennett Bridgit
Sent: 13 October 2017 13:30
To: amanda lindsell
Cc: AngliaLevelCrossings
Subject: RE: Network Rail Level Crossing Reduction REP02

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Lindsell,

Thank you again for withdrawing your representation.

would be grateful if you could let me know whether you have notified the Orders Unit.

Kind regards,
Bridgit
Objection Management Team
Anglia Level Crossing

From: Choo-Bennett Bridgit
Sent: 05 October 2017 13:19
To: 'amanda lindsell'
Cc: AngliaLevelCrossings
Subject: RE: Network Rail Level Crossing Reduction REP02
Importance: High

Dear Ms Lindsell,

Thank you for withdrawing your representation.

Could you kindly advise the Order unit as I believe they have not received your response.

Kind regards,
Bridgit Choo-Bennett
Objection Management Team
Anglia Level Crossing

From: amanda lindsell [[mailto](#)]
Sent: 03 October 2017 11:34
To: Choo-Bennett Bridgit
Subject: Re: Network Rail Level Crossing Reduction REP02

Dear Ms Choo-Bennett

Following receipt of your letter of 6th September 2017 confirming that the footpath crosses private land and that Network Rail propose to compulsorily acquire the necessary rights to construct the new footpath.

Wendens Ambo Parish Council have agreed to withdraw their objection to Network Rail's (Essex and Others Level Crossing Reduction) Order Level Crossing: E11 Windmills.

Many thanks for your communication on this matter.

Kind regards,

Amanda Lindsell

Wendens Ambo Parish Clerk

On 6 September 2017 at 23:59, Choo-Bennett Bridgit <Bridgit.Cho-Bennett@networkrail.co.uk> wrote:

Dear Ms Lindsell

Please find attached Network Rail's response to your letter of representation.

Kind regards,

Bridgit Choo-Bennett

Objection Management Team

Anglia Level Crossing

Network Rail

London James Forbes House

27 Great Suffolk Street

London

SE1 0NS

The content of this email (and any attachment) is confidential. It may also be legally privileged or otherwise protected from disclosure.

This email should not be used by anyone who is not an original intended recipient, nor may it be copied or disclosed to anyone who is not an original intended recipient.

If you have received this email by mistake please notify us by emailing the sender, and then delete the email and any copies from your system.

Liability cannot be accepted for statements made which are clearly the sender's own and not made on behalf of Network Rail.

Network Rail Infrastructure Limited registered in England and Wales No. 2904587, registered office
Network Rail, 2nd Floor, One Eversholt Street, London, NW1 2DN

Angela Foster

REP/3

From: Katie Pearce <Katie.Pearce@nwl.co.uk>
Sent: 04 May 2017 08:09
To: TRANSPORTANDWORKSACT
Subject: The Proposed Network Rail (Essex and Others Level Crossing Reduction) Order

Good Morning

I acknowledge receipt of your letter dated 31st March 2017 regarding the above.

Our records show that we do have apparatus located in the proposed development of working in Suffolk in certain area. As your documents do not state what sort of works you are looking to commence I cannot comment on whether these assets will be affected and how. If us wish to have the copy's of our GIS records please let me know

We have no objection to this development subject to compliance with our requirements, consent is given to the development on the condition that a water connection is made onto our Company network for the new dwelling for revenue purposes.

Should you require any further information, please do not hesitate to contact us.

Yours faithfully

Katie Pearce
Planning Administrator

T – 01268 664249 E – katie.pearce@nwl.co.uk

Tweet us @eswater_care

Essex & Suffolk Water, Sandon Valley House, Canon Barns Road,
East Hanningfield, Chelmsford, Essex, CM3 8BD

ESSEX & SUFFOLK
WATER *living water*

This email and its attachments are intended for the addressee only and may be confidential or privileged. If this email has come to you in error, you should take no action based on it. Please return it to the sender immediately and then delete it.

Unless expressly stated, opinions in this message are those of the individual sender and not of Northumbrian Water Limited.

You should be aware that this email, and any reply to it, may need to be made public under right to know legislation, or in connection with litigation. Emails may also be monitored in accordance with our legal responsibilities.

While Northumbrian Water Limited has scanned this email and its attachments for security threats, including computer viruses, we have no liability for any damage which you may sustain as a result of any such viruses. You are advised to carry out your own virus checks before opening any attachment.

By Email and Post
Essex & Suffolk Water
Sandon Valley House
Canon Barns Road
East Hanningfield
Chelmsford
Essex
EM3 8BD

Solicitors and
Parliamentary Agents

Minerva House
5 Montague Close
London
SE1 9BB
DX: 156810 London Bridge 6

Switchboard 020 7593 5000
Direct Line 020 7593 5164
www.wslaw.co.uk

For the attention of Katie Pearce, Planning Administrator

8 September 2017

Our Ref: HXA/18136/633

Dear Sirs,

Network Rail (Essex and Others Level Crossing Reduction) Order

We act for Network Rail in relation to the above proposed Order. We write in response your email dated 4 May 2017 submitting a representation on behalf Essex and Suffolk Water to the above Order, and which the Transport and Works Act Orders Unit have referenced REP3.

The works proposed in the draft Order are to close a number of public footpath and bridleway level crossings and extinguish related public rights of way adjacent to the crossing. Where appropriate users will be diverted to an adjacent existing grade separated crossing of the railway by the creation of new public rights of way. A number of private accommodation crossings are also closed or downgraded, with or without provision of an alternative right of way or a continuing private right. Given the limited nature of the proposed works in general it is considered there will be very limited modifications if any to existing ground and it is thought unlikely that the works will affect your apparatus.

Articles 13 and 14 of the Order clarify that the provisions in the Order to close level crossings and to create new public rights of way do not affect a statutory undertaker's apparatus or rights to maintain apparatus.

If it would assist Essex and Suffolk Water in relation to any of its apparatus in the vicinity of the proposed works, Network Rail would be willing to enter into an agreement to comply with protective provisions in relation any works affecting apparatus in situ in the form attached, if Essex and Suffolk Water is willing to withdraw its holding objection.

We look forward to hearing whether the above explanation of the works and proposed protective provisions, are sufficient to enable Essex and Suffolk Water to withdraw its representation in relation to the draft Order.

Yours faithfully,

Winckworth Sherwood LLP

Winckworth Sherwood LLP

DT 020 7593 5164

DF 020 7593 5199

handerson@wslaw.co.uk

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE
UNDERTAKERS

1. For the protection of the undertakers referred to in these Protective Provisions the following provisions, unless otherwise agreed in writing between Network Rail and the undertaker concerned, have effect.

2. In these Protective Provisions—

“apparatus” means—

- (a) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that undertaker for the purposes of water supply; and
- (b) in the case of a sewerage undertaker—

- (i) any drain or works vested in the undertaker under the Water Industry Act 1991; and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act,

and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works,

and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in”, in a context referring to apparatus or alternative apparatus in land, includes a reference to apparatus or alternative apparatus under, over or upon land;

“the Order” means the Network Rail (Essex and Others Level Crossing Reduction) Order, and

“undertaker” means—

- (c) a water undertaker within the meaning of the Water Industry Act 1991; and
- (d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,

for the area of the authorised works, and in relation to any apparatus, means the undertaker to whom it belongs or by whom it is maintained.

3. These Protective Provisions not apply to apparatus in respect of which the relations between Network Rail and the undertaker are regulated by the provisions of Part 3 of the 1991 Act.

4.—(1) Not less than 28 days before starting the execution of any works that are near to, or will or may affect, any apparatus in the exercise of the powers conferred by the Order Network Rail must submit to the undertaker in question a plan, section and description of the works to be executed.

(2) Those works are to be executed only in accordance with the plan, section and description submitted under sub-paragraph (1) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (3) by the undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the undertaker is entitled to watch and inspect the execution of those works.

(3) Any requirements made by an undertaker under sub-paragraph (2) must be made within a period of 21 days beginning with the date on which a plan, section and description under sub-paragraph (1) are submitted to it.

(4) Nothing in this paragraph precludes Network Rail from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, section and description instead of the plan, section and description previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan, section and description.

(5) Network Rail is not required to comply with sub-paragraph (1) in a case of emergency but in that case it must give to the undertaker in question notice as soon as is reasonably practicable and a plan, section and description of those works as soon as reasonably practicable subsequently and must comply with sub-paragraph (2) in so far as is reasonably practicable in the circumstances.

5.—(1) Subject to the following provisions of this paragraph, Network Rail must repay to an undertaker the reasonable expenses incurred by that undertaker in, or in connection with, the inspection, alteration or protection of any apparatus.

6.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraph 6(2) any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of an undertaker or there is any interruption in any service provided or in the supply of any goods, by any undertaker Network Rail must—

- (a) bear and pay the cost reasonably incurred by that undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that undertaker for any other expenses, loss, damages, penalty or costs incurred by the undertaker,

by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph (1) imposes any liability on Network Rail with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an undertaker, its officers, servants, contractors or agents.

(3) An undertaker must give Network Rail reasonable notice of any such claim or demand and no settlement or compromise is to be made without the consent of Network Rail which, if it withholds such consent, has the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

Angela Foster

030/134

From: Rachael Southern <Rachael.Southern@blplaw.com>
Sent: 11 May 2017 10:21
To: TRANSPORTANDWORKSACT; 'alcross@networkrail.co.uk'
Cc: Sheridan Treger
Subject: Representations on Network Rail Anglia Level Crossing Reductions TWA Order
Attachments: Representations re Network Rail Anglia Level Crossings Reductions TWA Order (55380456 Legal).PDF

Dear Sirs

Please find attached Representations on the Network Rail Anglia Level Crossing Reductions TWA Order on behalf of Northumbrian Water Limited. Hard copies of the same are being sent to you today by first class post.

Kind regards

Rachael Southern | Berwin Leighton Paisner LLP
Trainee Solicitor

Direct Dial: +44 (0)20 3400 3616
Main: +44 (0)20 3400 1000
Email: Rachael.Southern@blplaw.com
Web: www.blplaw.com

Berwin Leighton Paisner LLP

Adelaide House, London Bridge, London EC4R 9HA, UK
DX 92 London/Chancery Lane
t: +44 (0)20 3400 1000 f: +44 (0)20 3400 1111 w: www.blplaw.com

This email is confidential and may be covered by legal privilege. Please notify us immediately if you have received this email in error. You should not copy it or disclose its contents to any other person. We may monitor email communications in accordance with applicable laws and regulations.

Berwin Leighton Paisner LLP ("BLP") is a limited liability partnership registered in England and Wales (registered number OC315919) and is authorised and regulated by the Solicitors Regulation Authority (www.sra.org.uk). A list of partners is open to inspection at BLP's registered office. Within the BLP Group, partner is used to refer to a member, or an employee or consultant with equivalent standing and/or qualifications as required, of BLP or any of its affiliated firms and entities. For further information, see the legal notices section of our website (www.blplaw.com)

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Date: 11 May 2017
Our ref: STRE/GOOD/21584.16
Your ref:
DDI: +44 (0)20 3400 3642
e-mail: Sheridan.Treger@blplaw.com

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

**By first class registered post and email to
transportandworksact@dft.gsi.gov.uk**

Dear Sirs

Network Rail Anglia Level Crossing Reductions TWA Order

- 1 We act for Northumbrian Water Limited ("**NWL**"). NWL is the freehold owner of the former Vange Water Treatment Works at High Road, Fobbing, Essex (known as the **Vange Depot**), the extent of which is indicated as edged red on the drawing at Appendix 1 of this representation.
- 2 NWL does not object to Network Rail's application (the "**Application**") for the Network Rail (Essex and Others Level Crossing Reduction) Order (the "**Order**") on the basis of its review of the application materials deposited by Network Rail on 31 March 2017.
- 3 However, NWL reserves its right to object to the Application, and will do so vigorously, should the proposed scheme or powers sought be altered in a manner which prejudices the proposed residential regeneration of the Vange Depot or NWL's use and maintenance of the site prior to that.
- 4 In particular, NWL would comment as follows:

Comments on powers in the draft Order

- 4.1 NWL notes that the level crossing T05 at Howells Farm is to be closed pursuant to the draft Order. To cross the railway, Network Rail proposes¹, users are instead to use the existing bridge at Southend Road over the railway (to the south west of the Vange Depot) or the existing Fobbing level crossing (just to the north east of the Vange Depot). To access these two crossings, Network Rail proposes firstly that users will be able to use the B1420 to the north of the railway or, secondly, to its south, proceed eastwards along a new proposed public footpath connecting Southend Road with the existing public footpath, Footpath 23, southwards along Footpath 23 to Inglefield Road, then eastwards along Inglefield Road and then northwards along High Road to the Fobbing level crossing.

¹ See page 66 of Network Rail's Design Guide dated March 2017 and drawing no. MMD-367516-T05-GEN-005 appended to it.

To: Secretary of State for Transport c/o Transport and Works Act Orders Unit
Date: 11 May 2017
Page: 2

- 4.2 NWL considers that, in the circumstances of the Application, these are the two optimum diversion routes around a closed T05 level crossing.
- 4.3 NWL notes that to achieve the diversion route to the south of the railway the draft Order² seeks to:
 - 4.3.1 extinguish highway between points P407 – P406 on the deposited plans³;
 - 4.3.2 create new highway between points P406 – P413; and
 - 4.3.3 enable Network Rail to take temporary possession of Plot 84 for the creation of a public right of way, namely works to make the existing Footpath 23 a 2m-wide, unsurfaced public footpath.
- 4.4 NWL is the freehold owner of Plot 84 and does not object to the taking of these powers, having regard to the limitations around their use set out in the relevant articles and schedules of the draft Order⁴, and provision for appropriate compensation.
- 4.5 Even so, NWL would encourage Network Rail (and its contractors) to communicate with it in advance of and throughout the exercise and use of these powers rather than rely on minimum statutory notice provisions in the draft Order alone. That will assist the efficient completion of the necessary works

Comments on Consultation Proposal

- 4.6 NWL would like to take this opportunity also to comment on the summary sheet and drawing MMD-367516-T05-GEN-003 issued by Network Rail during round 2 of the pre-application public consultation (provided at Appendix 2 for convenience). These consultation materials proposed that the existing bridge at Southend Road be connected to the Fobbing level crossing by a new public footway through the Vange Depot itself (the "**Consultation Proposal**").
- 4.7 This option was, with respect to Network Rail, wholly misconceived. Its abandonment in the ultimate application deposited on 31 March 2017 is welcomed. Had Network Rail pursued it, NWL would have been compelled to resist it vigorously for the reasons summarised below:
 - 4.7.1 There is a substantial need for new market and affordable housing in the Borough of Thurrock. As an available, viable and deliverable brownfield site within single control and ownership, and with scope for up to 300 homes, the Vange Depot clearly has a role to play in this regard. This has been recognised for some time. The Consultation Proposal could have prejudiced the viability of this residential redevelopment such that the Vange Depot could have been sterilised for the purposes of its regeneration. That would have been

² Article 5 and Schedule 2 of the draft Order.

³ Sheet 62.

⁴ Including but not limited to Articles 5, 15, 17, 22, 23 and 32 and Schedule 2 of the draft Order.

To: Secretary of State for Transport c/o Transport and Works Act Orders Unit
Date: 11 May 2017
Page: 3

particularly unacceptable given the availability of appropriate alternatives since identified by Network Rail itself (and noted at paragraph 4.1 above).

- 4.7.2 The appropriate alternatives described at paragraph 4.1 above mean that Network Rail would most likely also have failed to meet the statutory and policy tests required for the draft Order to create a new public right of way through the Vange Depot, such a public right being imposed in a manner akin to the creation compulsorily of new private right over land.
- 4.7.3 Though not a planning matter, the compensation payable by Network Rail for the diminution in value of the Vange Depot as a housing site would have militated against its use as a new public right of way in any case, particularly given the much lower cost of the alternatives described at paragraph 4.1.
- 4.7.4 There would also have been significant obstacles to use of the Vange Depot as a public right of way in advance of its redevelopment for housing. By way of background, the Vange Depot was previously used as a water treatment works. Its use for that purpose ceased in the mid-1980s, having commenced in the 1920s. A key feature of the Depot is a large, disused, underground, raw water reservoir. It occupies 6 acres of the site, is 40 feet deep and has a free-standing concrete roof supported by brick arches. The site also contains various other buildings, a number of which are partially demolished or collapsed (and include the presence of asbestos), an operational depot and areas of open storage, all of which are in use (including by lessees), and areas of trees which are in fact re-vegetated previously-used lime lagoons (the lime having played a role in the historic water treatment process on the site). Part of the site was used in the 1980s/90s for the placing of road excavation waste associated with pipe laying and utilities activities on roads. This has become a habitat for adders and other reptiles. Great crested newts exist in ponds on the site.
- 4.7.5 Whilst a comprehensive residential redevelopment of the Vange Depot would resolve these matters without particular impediment, the simple creation of a public right of way through them would never do so. It would never have been appropriate for the public, including for children, to have had access to abandoned lime lagoons or disused and deteriorating buildings, for example. At a minimum, therefore, Network Rail would have needed to place a six foot palisade fence along either side of the Consultation Proposal's footpath across the entire site.
- 4.7.6 The creation of a fenced route through the Vange Depot of the scale suggested in the Consultation Proposal would have created an intimidating and unsafe space, in conflict with the following Government guidance on integrating measures to minimise crime considerations into design:
- 4.7.6.1 If a path is remote from view, users will often feel unsafe and the opportunities for vandalism to and theft of property are increased⁵;
- 4.7.6.2 Where footpaths are required, they should be as straight as possible and wide, avoiding potential hiding places. They should also be overlooked by

⁵ Safer Places – The Planning System and Crime Prevention – Home Office (2004);

To: Secretary of State for Transport c/o Transport and Works Act Orders Unit
Date: 11 May 2017
Page: 4

surrounding buildings and activities. Creating intimidating spaces should be avoided⁶.

- 4.7.7 Until the completion of the regeneration of the Vange Depot, the proposed footpath would have been obscured from public view by the outer boundaries of the site and made users feel that they were "running the gauntlet" of a narrowly fenced route. The risk of criminal incidents potentially caused by the Consultation Proposal would have needed to be assessed and weighed against the benefits of the Application.
- 4.7.8 Whilst any reptiles at Vange Depot which are a protected species would be translocated under appropriate licences as part of regeneration proposals, this would not occur during the creation of a Network Rail footpath through the site and would be a significant matter to weigh against the Consultation Proposal.
- 4.8 In the event that Network Rail reverted to the Consultation Proposal, or anything similar, NWL will make more detailed representations in relation to these points. On the basis that the Consultation Proposal is no longer being pursued, it is not necessary to do so at this time but the right to do so is reserved by NWL.

Further notifications during consideration of the draft Order

- 4.9 To avoid procedural unfairness, NWL requests that Network Rail notify it of any amendments to the Application in the vicinity of the Vange Depot or amendments proposed to the draft Order in the course of any public inquiry, hearing or exchange of written representations.
- 4.10 Notice of such matters, including links to documentation on Network Rail's website, as well as any other correspondence relating to this representation should please be sent to Berwin Leighton Paisner LLP for the attention of Sheridan Treger to the postal and email addresses set out above **and** copied to:
- 4.10.1 David Alborough
Group Property Services Manager
Northumbrian Water Limited
Sandon Valley House
Canon Barns Road
East Hanningfield
Chelmsford Essex CM3 8BD

david.alborough@nwl.co.uk; and
- 4.10.2 David Holmes MRICS
Director
Savills
136 New London Road
Chelmsford CM2 0RG

⁶ Design and Crime (Rail Stations) – DfT and British Transport Police

To: Secretary of State for Transport c/o Transport and Works Act Orders Unit
Date: 11 May 2017
Page: 5

dholmes@savills.com

Please do not hesitate to contact us if you would like to discuss any of these points further.

Yours faithfully

Berwin Leighton Paisner LLP

Berwin Leighton Paisner LLP

CC: Winkworth Sherwood LLP
Minerva House
5 Montague Close
London SE1 9BB

Network Rail The Quadrant
M Elder Gate
Milton Keynes MK9 1EN

ALCross@networkrail.co.uk

stre\55207071.3

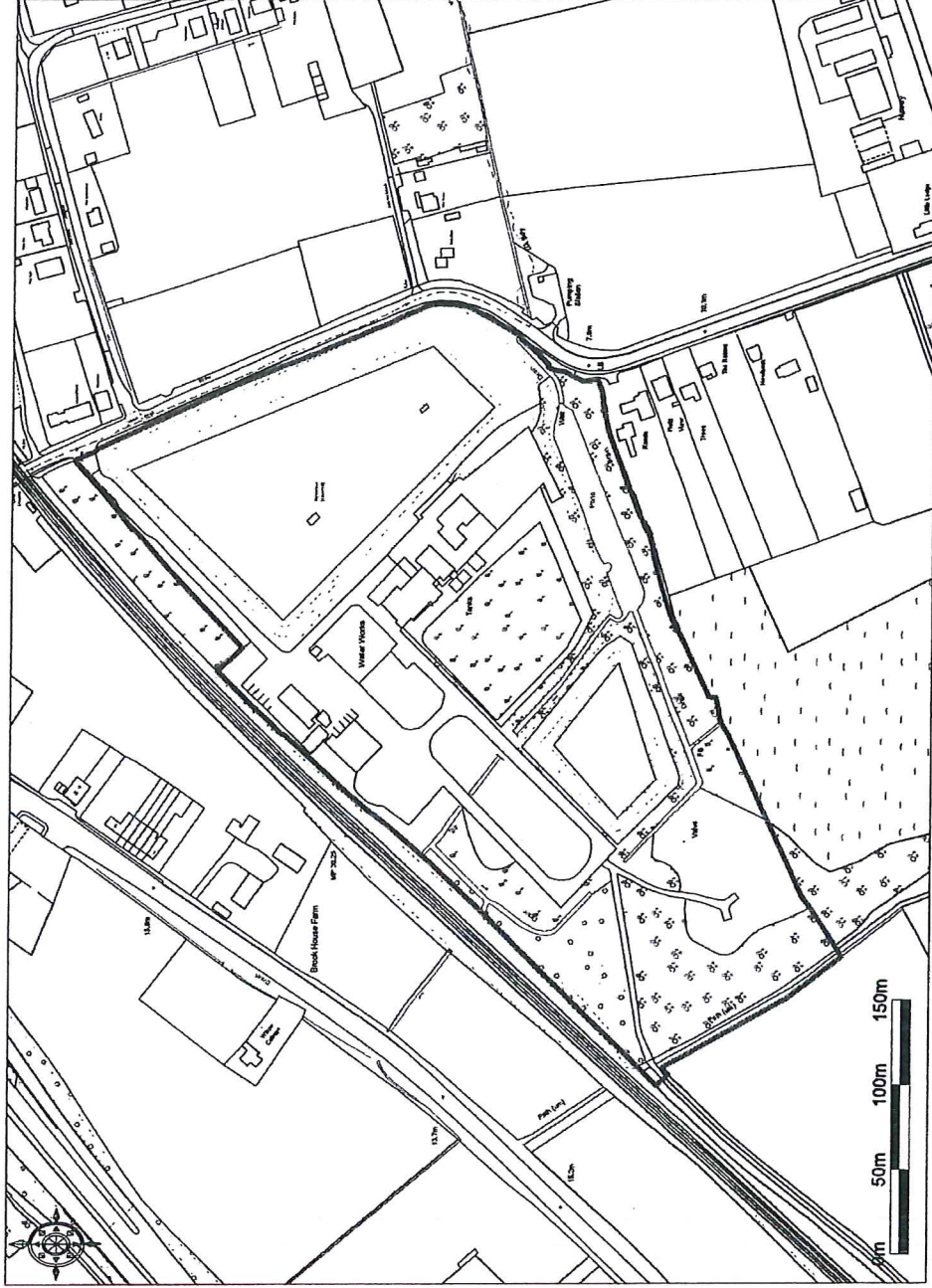
Appendix 1

The Vange Depot

Appendix 2

The Consultation Proposals

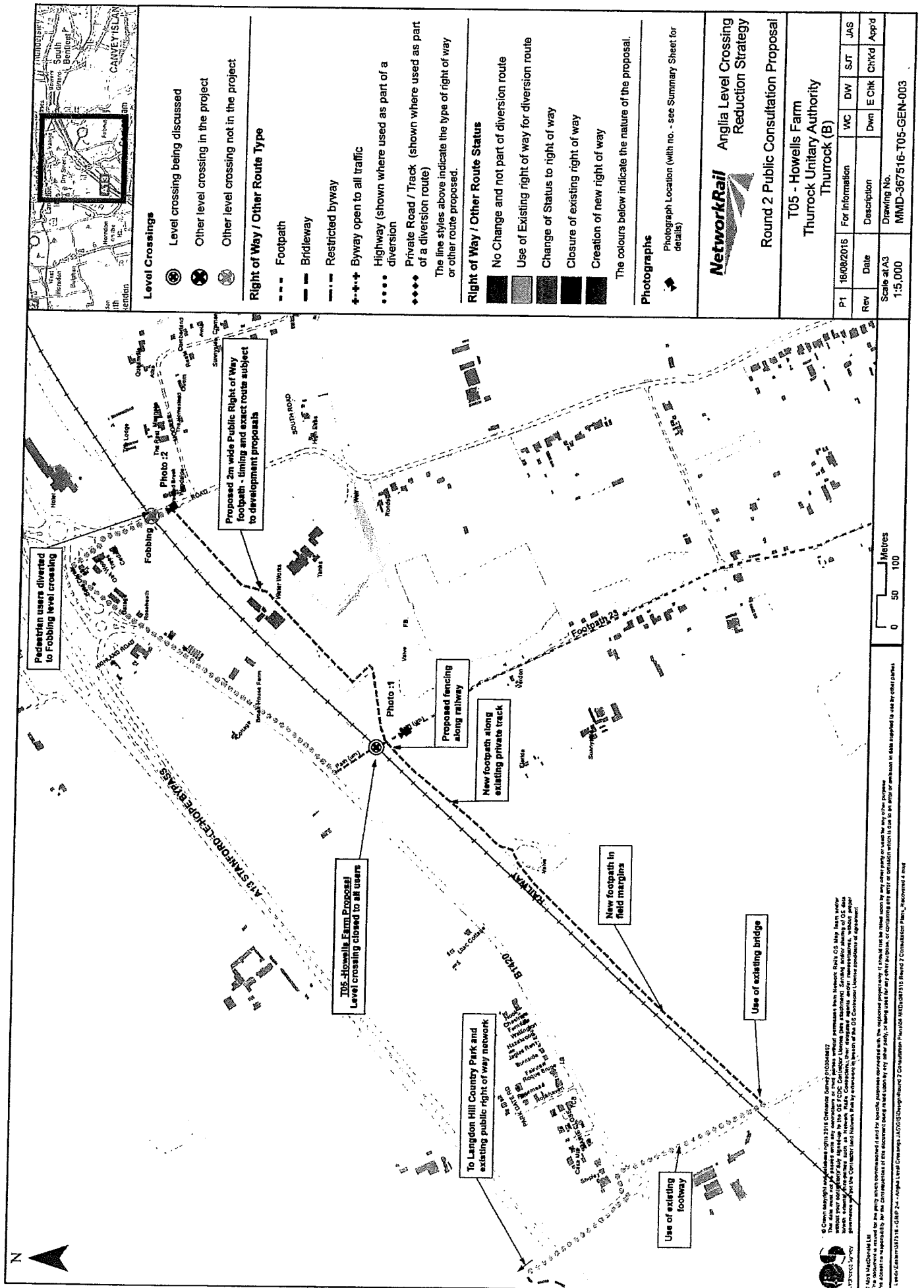
Northumbrian Water Limited



Ordnance Survey © Crown Copyright 2017. All rights reserved. Licence number 100023432. Plotted Scale - 1:4000



Vange Depot, High Road, Fobbing, Stanford-le-Hope, Essex SS17 9HQ



Anglia Level Crossing Proposals

T05 – Howells Farm (Thurrock Unitary Authority)

Public Right of Way Reference – Footpath 23

Network Rail has been working hard to better manage its level crossings and the risks they pose. It has developed proposals for the possible closure or change to public rights of way at around 130 level crossings in Anglia. Closing or modifying level crossings can help to bring about a number of benefits:

- Improve the safety of level crossing users
- Deliver a more efficient and reliable railway, which is vital in supporting the regional and UK economy
- Reduce the ongoing operating and maintenance cost of the railway
- Reduce delays to trains, pedestrians and other highway users
- Improve journey time reliability for railway, highway and other rights of way users

The level crossings in this initial phase of the Anglia Level Crossing Reduction Strategy do not include any new bridges or underpasses, and offer benefits which are currently affordable and deliverable.

Howells Farm is one of the level crossings in the unitary body of Thurrock and has the postcode SS17 9EY. This is a stop, look and listen public footpath level crossing where the user has to decide whether it is safe to cross. The railway at this crossing carries passenger and freight trains with a line speed of 70 mph. There are generally 136 trains passing through this level crossing per day.

Network Rail's level crossing risk assessments are supported by use of the All Level Crossing Risk Model (ALCRM). This produces a score for the 'individual risk' presented as a letter ranging from A to M, where A is the highest risk and M is the lowest. In addition 'collective risk' is based on the number of people who use the crossing, and is presented as a number ranging from 1 to 13, where 1 is the highest risk and 13 is the lowest. Howells Farm level crossing currently has an ALCRM score of C6, which is considered high risk. Key issues relate to sun glare and frequent trains. There were no incidents of misuse, 2 near misses and no accidents at this crossing between 2011 and 2015.

Public consultation was undertaken in June on initial options for changes at this level crossing. At this level crossing, four questionnaire responses were received. For Howells Farm, a summary of the questionnaire responses is shown below (route colours refer to the June 2016 Stage 1 consultation plan – please see the project website for details):

- 25 % of responses agreed with the proposals
- 75 % of responses disagreed with the proposals
- 50 % of responses supported the blue route
- 50 % of responses preferred another route

As part of the consultation process a wide range of statutory consultees, landowners and user groups were also consulted. The responses received have been taken into account when determining the preferred option.

During June and July of this year, Network Rail undertook new census surveys of the number and type of level crossing users. A three day census was undertaken (Saturday, Sunday and Monday) and the daily usage was as follows:

Weekday (Monday)	2 pedestrians
Weekend (average daily)	2 pedestrians



The consultation feedback together with a range of other factors such as user safety and convenience, environmental impacts and economic factors were used to determine a preferred option. In this case, the blue route shown at the June 2016 Stage 1 consultation has been taken forward.

Our preferred option is to close the level crossing to all users. Crossing infrastructure would be removed and fencing installed to prevent trespass onto the railway. Users would have the option of new routes to the north east and the south west of Howells Farm level crossing. Users would be diverted to the Fobbing road level crossing, which has an automatic half barrier across the road and an ALCRM score of D2. Users would access this alternative crossing point, via existing footways along Southend Road (B1420) and High Road to the north of the railway, and via a new 2 metre wide public footpath through the former Anglia Water site to the south of the railway. The programme of implementation and exact route would be subject to the development proposals. An additional route to the south west would also be created. This would be a 2m wide public footpath along existing tracks and field margins parallel to and south of the railway linking to Southend Road. Users would use the existing footway on Southend Road and cross the railway and the A13 on existing overbridges. This would provide a link to Langdon Hill Country Park and the existing Public Right of Way network. The new footpath would be constructed to an appropriate standard with new wayfinding signs. Details will be discussed and agreed with the local authority.

Diversion lengths:

- The diversion would add an additional 1.2km to the route.

Photo 1: Existing level crossing



Photo 2: Alternative railway crossing

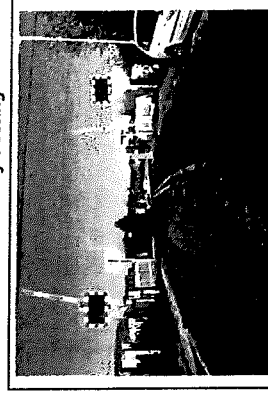


Photo locations are shown on the plan overleaf.

This summary sheet and a questionnaire are available at the public exhibitions and on the project website at: www.networkrail.co.uk/anglialevelcrossings. Please complete the separate questionnaire using the level crossing identification number T05 and your feedback will be considered before the proposals are finalised ahead of submitting a Transport and Works Act Order to the Secretary of State.

To contact our team, please email us at: anglialevelcrossings@networkrail.co.uk or phone the helpline: 03457 11 41 41. We thank you for your time and providing your comments on the Anglia Level Crossing Proposals.

Berry Isobel

From: Rachael Southern <Rachael.Southern@blplaw.com>
Sent: 13 June 2017 16:28
To: AngliaLevelCrossings
Cc: Sheridan Treger
Subject: RE: Representations on Network Rail Anglia Level Crossing Reductions TWA Order
Attachments: Letter to Angela Foster, Transport and Works Act Orders Unit (55917971 L....pdf

Dear Sirs

Please find attached a scan of a letter in relation to the Network Rail Anglia Level Crossings Reduction TWA Order which has been sent to you today by first class post.

Kind regards

Rachael

Rachael Southern | Berwin Leighton Paisner LLP
Trainee Solicitor

Direct Dial: +44 (0)20 3400 3616
Main: +44 (0)20 3400 1000
Email: Rachael.Southern@blplaw.com
Web: www.blplaw.com

From: Rachael Southern
Sent: 11 May 2017 10:21
To: 'transportandworksact@dft.gsi.gov.uk'; 'alcross@networkrail.co.uk'
Cc: Sheridan Treger
Subject: Representations on Network Rail Anglia Level Crossing Reductions TWA Order

Dear Sirs

Please find attached Representations on the Network Rail Anglia Level Crossing Reductions TWA Order on behalf of Northumbrian Water Limited. Hard copies of the same are being sent to you today by first class post.

Kind regards

Rachael Southern | Berwin Leighton Paisner LLP
Trainee Solicitor

Direct Dial: +44 (0)20 3400 3616
Main: +44 (0)20 3400 1000
Email: Rachael.Southern@blplaw.com
Web: www.blplaw.com

Berwin Leighton Paisner LLP

Adelaide House, London Bridge, London EC4R 9HA, UK
DX 92 London/Chancery Lane
t: +44 (0)20 3400 1000 f: +44 (0)20 3400 1111 w: www.blplaw.com

This email is confidential and may be covered by legal privilege. Please notify us immediately if you have received this email in error. You should not copy it or disclose its contents to any other person. We may monitor email communications in accordance with applicable laws and regulations.

Berwin Leighton Paisner LLP ("BLP") is a limited liability partnership registered in England and Wales (registered number OC315919) and is authorised and regulated by the Solicitors Regulation Authority (www.sra.org.uk). A list of partners is open to inspection at BLP's registered office. Within the BLP Group, partner is used to refer to a member, or an employee or consultant with equivalent standing and/or qualifications as required, of BLP or any of its affiliated firms and entities. For further information, see the legal notices section of our website (www.blplaw.com)



Date: 13 June 2017
Our ref: STRE/21584.00016
Your ref: TWA/17/APP/05/OBJ/134
DDI: +44 (0)20 3400 3616
e-mail: Rachael.Southern@blplaw.com

Berwin Leighton Paisner LLP
Adelaide House
London Bridge
London EC4R 9HA
Tel: +44 (0)20 3400 1000
Fax: +44 (0)20 3400 1111
DX92 London
www.blplaw.com

Angela Foster
Transport and Works Act Orders Unit
Zone 1/14
Great Minster House
33 Horseferry Road
London
SW1P 4DR

By first class post and email to transportandworksact@dft.gsi.gov.uk

Dear Angela

Transport and Works Act 1992: Application for the Proposed Network Rail (Essex and Others Level Crossing Reduction) Order

Thank you for your letter dated 25 May 2017 in response to our representation on behalf of Northumbrian Water Limited ("NWL") dated 11 May 2017.

We would like to take this opportunity to comment on the suggestion in paragraph 1 of your letter that NWL is objecting to the Network Rail Anglia Level Crossing Transport and Works Act Order (the "Order"). To clarify, NWL is not objecting to the Order in its current form. NWL would, however, object to the Order should the proposals relating to the closure of level crossing T05 at Howells Farm be amended in a way which adversely affects NWL's property, the former Vange Water Treatment Works at High Road, Fobbing. In particular, NWL would vigorously object to the Order should the diversion route revert to the proposal on drawing MMD-367516-T05-GEN-003 issued by Network Rail during round 2 of the public consultation. The reasons for NWL's objection to this earlier proposal are set out in our letter of 11 May. In this context, NWL does not at this stage propose making any further submissions in respect of the Order for the purposes of the proposed Inquiry.

However, to enable us to monitor whether any amendments are proposed to be made to the Order going forward, which might require NWL to alter its position, please provide us with copies of any procedural correspondence which is sent to objectors and other parties interested in the Inquiry. In particular, if there is an Inquiry website where documentation relating to the Order is published, please let us know where we can access that and sign up the email addresses below to any automatic alerts that may be set up to alert parties to any new documents uploaded in the course of the Inquiry.

Rachael.Southern@blplaw.com and Sheridan.Treger@blplaw.com

Yours sincerely

A handwritten signature in black ink, appearing to read 'R. Southern', with a long horizontal flourish extending to the right.

Rachael Southern

To: Angela Foster
Date: 13 June 2017
Page: 2

CC: Winkworth Sherwood LLP
Minerva House
5 Montague Close
London
SE1 9BB

Network Rail
The Quadrant
M Elder Gate
Milton Keynes

ALCross@networkrail.co.uk

rsth\55905762.1

By Email and DX

Berwin Leighton Paisner LLP
DX 92 London/Chancery Lane

FAO: Sheridan Treger

Solicitors and
Parliamentary Agents

Minerva House
5 Montague Close
London
SE1 9BB
DX: 156810 London Bridge 6

Switchboard 020 7593 5000
Direct Line 020 7593 5074
www.wslaw.co.uk

Your Ref: STRE/GOOD/21584.16
Our Ref: IS/18136/661/HXA
Please quote reference when replying

6 July 2017

Dear Sirs

Transport and Works Act 1992

The proposed Network Rail (Essex and Others Level Crossing Reduction) Order ("the Order")

OBJ134/REP 5 Northumbrian Water Ltd regarding crossing T05 – Howells Farm

As you know, we act for Network Rail Infrastructure Limited ("Network Rail") in the matter of the above Order.

We have received a copy of your client's objection letter dated 11 May 2017 and your subsequent letter dated 13 June 2017 addressed to Angela Foster at the Transport and Works Act Orders Unit ("the Unit"), in which you clarify that your clients, Northumbrian Water Ltd, do not object to Network Rail's proposals in the Order.

The Unit has now informed us that in light of your 13 June letter, the correspondence on behalf of Northumbrian Water relating to the Order has been reclassified as a 'representation' (REP/5) rather than an objection.

Network Rail is grateful for your confirmation in paragraph 4.4 of the 11 May letter that Northumbrian Water does not object to the use of plot 84 for the purposes set out in the draft Order. The desire for there to be a dialogue between our respective clients prior to and during the exercise of powers is also noted and Network Rail will do so, and we would be grateful if you could provide suitable client contact details to assist with this. Through this means Network Rail would also be content to keep Northumbrian Water updated as to any other changes to the draft Order in the vicinity of its land at Fobbing, in addition to any formal statutory requirements

Turning now to the greater substance of your client's concerns as set out in the two letters, it appears there is some misunderstanding as to Network Rail's ability to change the scope of the proposed Order to revert to the Consultation Proposal (as defined in your 11 May letter).

Network Rail does not intend to revert to the Consultation Proposal, and is promoting the arrangement set out in the draft Order and on the Order plans. Even if this position were to

change, Network Rail could not simply revert to its earlier Consultation Proposal because the submitted draft Order does not contain the requisite powers to do so.

Furthermore, as is made clear in the DfT's Guide to TWA Procedures at paragraph 3.48, (and unlike a Development Consent Order under the Planning Act 2008) it is not usually possible to extend the scope of powers of compulsory acquisition of land in a Transport and Works Act Order once applied for. Ordinarily, an applicant would need to promote a new, further Transport and Works Act Order, including powers of compulsory acquisition over the additional land required. In accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 Network Rail would be required to advertise and serve a landowner notice or notices on your client and your client would be entitled to formally object to such powers in the new Order.

The only possible exception to this would be if a landowner affected agreed to the extension of acquisition powers which could then be included in the current Order. Such an agreement in this case seems highly unlikely in view of the points made in your letter dated 11 May in connection with the draft Order.

Given that there is therefore no means by which Network Rail could extend its compulsory acquisition powers over your client's land for the Consultation Proposal in the current Order (if it wished to), the representation made by your client in relation to the current Order is unnecessary. Any additional compulsory acquisition powers would need to form the basis of a new Order, to which your client would be able to object.

In the circumstances, Network Rail invites your client to formally withdraw its representation concerning the current Order by writing to the Secretary of State, and we should be grateful if you could at the same time provide a copy to Winckworth Sherwood.

Yours faithfully



Winckworth Sherwood LLP

DT 020 7593 5074
DF 020 7593 5099
isubertak@wslaw.co.uk

Berry Isobel

From: Rachael Southern <Rachael.Southern@blplaw.com>
Sent: 08 August 2017 16:13
To: Izabella Suberlak
Cc: AngliaLevelCrossings; Sheridan Treger
Subject: RE: NETWORK RAIL - ANGLIA LEVEL CROSSING REDUCTIONS TWA ORDER - OBJ134/REP 5 NORTHUMBRIAN WATER LTD
Attachments: Letter to Winkworth Sherwood - Response to 6 July 2017 Letter.pdf

Dear Izabella

Please find attached a scan of a letter in relation to the Network Rail Anglia Level Crossings Reduction TWA Order which has been sent to you today by first class post.

Kind regards

Rachael

Rachael Southern | Berwin Leighton Paisner LLP

Trainee Solicitor

Direct Dial: +44 (0)20 3400 3616

Main: +44 (0)20 3400 1000

Email: Rachael.Southern@blplaw.com

Web: www.blplaw.com

From: Nacera Bouara [mailto:nbouara@wslaw.co.uk]

Sent: 06 July 2017 17:11

To: Sheridan Treger

Cc: Rachael Southern; Izabella Suberlak

Subject: NETWORK RAIL - ANGLIA LEVEL CROSSING REDUCTIONS TWA ORDER - OBJ134/REP 5 NORTHUMBRIAN WATER LTD

Please see the attached letter, sent on behalf of Izabella Suberlak.

Kind regards.

Nacera Bouara

Secretary

T +44 (0) 20 7593 5174

+44 (0) 20 7593 5199

nbouara@wslaw.co.uk

**Winckworth
Sherwood**

www.wslaw.co.uk

Cyber Crime Alert

Emails can be scammed. Please do not rely on email notification of bank account changes without direct verbal confirmation from a trusted source.

Winckworth Sherwood

Minerva House | 5 Montague Close | London | SE1 9BB | DX 156810 London Bridge 6

T 020 7593 5000 | F 020 7593 5099

This email and any attachments are confidential and may be the subject of legal privilege. Any use, copying or disclosure other than by the intended recipient is unauthorised. If you have received this message in error, please notify the sender immediately via 020 7593 5000 and delete this message from your computer and network.

Winckworth Sherwood is a business name of Winckworth Sherwood LLP, a limited liability partnership registered in England and Wales with the registered number OC334359. Winckworth Sherwood is authorised and regulated in the United Kingdom by the Solicitors Regulation Authority and has offices in London, Oxford and Manchester. A list of the members (who we may refer to as "partners") and their professional qualifications may be inspected at the registered office, Minerva House, 5

Montague Close, London, SE1 9BB. For further information about the firm please visit www.wslaw.co.uk.



Please consider the environment and do not print this e-mail unless you really need to.

Berwin Leighton Paisner LLP

Adelaide House, London Bridge, London EC4R 9HA, UK
DX 92 London/Chancery Lane
t: +44 (0)20 3400 1000 f: +44 (0)20 3400 1111 w: www.blplaw.com

This email is confidential and may be covered by legal privilege. Please notify us immediately if you have received this email in error. You should not copy it or disclose its contents to any other person. We may monitor email communications in accordance with applicable laws and regulations.

Berwin Leighton Paisner LLP ("BLP") is a limited liability partnership registered in England and Wales (registered number OC315919) and is authorised and regulated by the Solicitors Regulation Authority (www.sra.org.uk). A list of partners is open to inspection at BLP's registered office. Within the BLP Group, partner is used to refer to a member, or an employee or consultant with equivalent standing and/or qualifications as required, of BLP or any of its affiliated firms and entities. For further information, see the legal notices section of our website (www.blplaw.com)

Date: 8 August 2017
Our ref: STRE/GOOD/21584.16
Your ref: IS/18136/661/HXA
DDI: +44 (0)20 3400 3642
e-mail: Sheridan.Treger@blplaw.com

Winckworth Sherwood LLP
Planning Department
Minerva House
5 Montague Close
London
SE1 9BB

By post and email to isuberlak@wslaw.co.uk

Dear Sirs

**The proposed Network Rail (Essex and Others Level Crossing Reduction) Order
OBJ134/REP 5 Northumbrian Water Ltd regarding crossing T05 - Howells Farm**

Thank you for your letter dated 6 July 2017 on behalf of Network Rail. We would comment as follows:

- 1 Thank you for confirming that Network Rail agrees to engage with our client, Northumbrian Water, prior to and during the exercise of powers pursuant to the Order (if made) in relation to plot 84 and will keep it updated regarding changes to the draft Order in the vicinity of Fobbing. This is helpful. Network Rail should please
 - 1.1 remain in contact throughout with David Alborough of Northumbrian Water and David Holmes of Savills, whose email and postal addresses were provided for this purpose in paragraph 4.10 of our letter of 11 May 2017;
 - 1.2 contact Sheridan Treger and Rachael Southern of BLP regarding matters relating to changes to the draft Order using the email addresses provided in our letter of 13 June 2017 for this purpose and the postal address given above.
- 2 We are content with the TWAO Unit's classification of our letter of 11 May 2017 as a "representation" rather than an "objection", which reflects the clarity in this regard provided in paragraphs 2 and 3 of that letter.
- 3 However, we are surprised by your unusual request that Northumbrian Water withdraw that representation. Please accept this letter as confirmation that Northumbrian Water declines to do so. Nothing in your letter alters the imperative for the representation to be before the Inspector and the Secretary of State:
 - 3.1 The fact remains that Network Rail put forward during consultation a version of its proposals which would have adversely affected Northumbrian Water's property at the former Vange Water Treatment Works at High Road, Fobbing and was, in all candour, utterly misconceived in and of itself for the reasons set out in the representation.
 - 3.2 The Transport and Works Act 1992 enables the Secretary of State discretion to make an Order which gives effect to Network Rail's proposals with modifications.

To: Winckworth Sherwood LLP
Date: 8 August 2017
Page: 2

- 3.3 The Guidance, which is of course just guidance, suggests that the Secretary of State will consider post-submission amendments to a draft Order where this can "properly be done", so as to avoid the need for a fresh application, though not "normally" where the modifications contain a proposal to authorise the compulsory acquisition of land. The Guidance suggests merely that it is "likely" that a fresh application would be required in such circumstances.
- 3.4 Nothing binding therefore appears to us to preclude the potential for Network Rail's proposals to be modified under its existing application to revert to the misconceived consultation version of its proposals in relation to Northumbrian Water's property. Your letter acknowledges this, having to use words like "normally" and "usually" on the subject.
- 3.5 In the context of paragraphs 3.1 to 3.4.3.4 above, Northumbrian Water is perfectly entitled for the matters set out in its representation to be before the Inspector and the Secretary of State, and would be well advised for this to remain the case.
- 3.6 Separately, it is not clear why, as your letter suggests, Northumbrian Water can rest easy if it withdrew its existing representation now because there would be a fresh opportunity for Northumbrian Water to make representations were Network Rail to apply for a new Order to pursue the consultation version of its proposals. Northumbrian Water has already made a representation on those proposals which makes it clear why pursuing them should be a non-starter, without Network Rail having to waste its time or Northumbrian Water's going forwards with such a new application.
- 3.7 Ultimately Northumbrian Water welcomes the assurance in your letter on behalf of Network Rail that the consultation proposal will not be pursued. Of course, should this remain the case throughout the Public Inquiry scheduled to begin on 18 October 2017 the Inspector and Secretary of State will be in a position to accord Northumbrian Water's comments on the (consultation) proposal appropriate weight. So we do not see how Network Rail will be caused any detriment by the representation remaining before the Inspector and Secretary of State, and we do not expect to receive any further correspondence on this subject.
- 4 We would take this opportunity to confirm that Northumbrian Water does not at this stage intend making further representations or attending the Pre-Inquiry Meeting or Public Inquiry unless, as set out in the representation of 11 May 2017, the proposed scheme or powers sought are altered in a manner which prejudices the proposed residential regeneration of the Vange Depot or the use and maintenance of the site prior to that. If that became the case, Northumbrian Water will object vigorously.

To: Winckworth Sherwood LLP
Date: 8 August 2017
Page: 3

- 5 Northumbrian Water and Savills look forward to constructive communication and engagement from Network Rail and its professional team in respect of the exercise of powers, should the Order be made in the form for which it was applied. We and they look forward to any relevant updates on the draft Order as it progresses through the Public Inquiry.

Yours faithfully

Berwin Leighton Paisner LLP

Berwin Leighton Paisner LLP

stre\56476993.2

CC: To Network Rail by email only to ALCross@networkrail.co.uk

Izabella Suberlak

From: Joanna Vincent <joannavinc@personaassociates.co.uk>
Sent: 02 September 2017 10:38
To: Hazel Anderson; Mark Aanensen; Izabella Suberlak
Cc: Graham Groom
Subject: FW: The Network Rail (Essex and Others Level Crossing Reduction) Order 201X

To update your records – on behalf of **Northumbrian Water – REP/05**

Regards
Joanna

Joanna Vincent
Programme Officer Manager

Tel: 01403 217799
Mobile: 07483 133 975
Web: www.personaassociates.com
Web: www.persona-pi.com



1st Floor, Bailey House, Barttelot Road, Horsham, RH12 1DQ



FS 659556

If you have received this e-mail in error, please notify postmaster@personaassociates.co.uk immediately and delete it and all copies from your system.
It is confidential and intended for the stated addressee(s) only.
Access to it by any other person is unauthorised and disclosure, copying or any other use by unauthorised persons may be unlawful.
Company Registration number: 2371248

From: Rachael Southern [mailto:Rachael.Southern@blplaw.com]
Sent: 01 September 2017 14:51
To: Joanna Vincent <joannavinc@personaassociates.co.uk>
Cc: Rachel Dale <Rachel.Dale@blplaw.com>; Sheridan Treger <Sheridan.Treger@blplaw.com>
Subject: RE: The Network Rail (Essex and Others Level Crossing Reduction) Order 201X

Dear Joanna

Thank you for your email.

Today is my last day in this department so please could you send all correspondence to Rachel Dale (copied) from now on.

Kind regards

Rachael

Rachael Southern | Berwin Leighton Paisner LLP
Trainee Solicitor

Direct Dial: +44 (0)20 3400 3616
Main: +44 (0)20 3400 1000
Mobile: +44 (0)7725 065372
Email: Rachael.Southern@blplaw.com
Web: www.blplaw.com

From: Joanna Vincent [mailto:joannavinc@personaassociates.co.uk]
Sent: 01 September 2017 09:13
To: Joanna Vincent
Cc: Joanna Vincent
Subject: The Network Rail (Essex and Others Level Crossing Reduction) Order 201X

Dear Sir/Madam

The Network Rail (Essex and Others Level Crossing Reduction) Order 201X

Please find attached the Inspector's notes following the Pre-Inquiry Meeting held at **Chelmsford Civic Centre, Duke St, Chelmsford CM1 1JE**.

The inquiry will commence at **10.00am on Wednesday, 18th October 2017** also at the above venue.

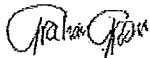
Although I already have some details of those parties who have indicated that they wish to appear and give evidence at the Inquiry it would be helpful if you could complete and return the attached programming form. I would ask that you complete this form and return to me to allow me to prepare and issue a draft outline programme.

Further details about the Public Inquiry can be found at:-

<http://essex-level-crossings.persona-pi.com/>.

Please contact me or **Joanna Vincent** (07483 133975) if I can be of any further assistance.

Yours faithfully



Graham Groom
Programme Officer

Joanna Vincent
Programme Officer Manager

Tel: 01403 217799
Mobile: 07483 133 975
Web: www.personaassociates.com
Web: www.persona-pi.com



1st Floor, Bailey House, Barttelot Road, Horsham, RH12 1DQ



FS 659556

If you have received this e-mail in error, please notify postmaster@personaassociates.co.uk immediately and delete it and all copies from your system.
It is confidential and intended for the stated addressee(s) only.
Access to it by any other person is unauthorised and disclosure, copying or any other use by unauthorised persons may be unlawful.
Company Registration number: 2371248

Berwin Leighton Paisner LLP

Adelaide House, London Bridge, London EC4R 9HA, UK
DX 92 London/Chancery Lane
t: +44 (0)20 3400 1000 f: +44 (0)20 3400 1111 w: www.blplaw.com

This email is confidential and may be covered by legal privilege. Please notify us immediately if you have received this email in error. You

Berry Isobel

From: Izabella Suberlak <isublerlak@wslaw.co.uk>
Sent: 08 August 2017 18:06
To: 'Rachael Southern'
Cc: AngliaLevelCrossings; Sheridan Treger
Subject: RE: NETWORK RAIL - ANGLIA LEVEL CROSSING REDUCTIONS TWA ORDER - OBJ134/REP 5 NORTHUMBRIAN WATER LTD

Dear Rachael

I acknowledge receipt of your letter, thank you.

Regards

Izabella Suberlak
Associate

**Winckworth
Sherwood**

T +44 (0) 20 7593 5074
F +44 (0) 20 7593 5099
M +44 (0) 7973 667 156
isublerlak@wslaw.co.uk

www.wslaw.co.uk

Supporting



From: Rachael Southern [mailto:Rachael.Southern@blplaw.com]
Sent: 08 August 2017 16:13
To: Izabella Suberlak
Cc: 'alcross@networkrail.co.uk'; Sheridan Treger
Subject: RE: NETWORK RAIL - ANGLIA LEVEL CROSSING REDUCTIONS TWA ORDER - OBJ134/REP 5 NORTHUMBRIAN WATER LTD

Dear Izabella

Please find attached a scan of a letter in relation to the Network Rail Anglia Level Crossings Reduction TWA Order which has been sent to you today by first class post.

Kind regards

Rachael

Rachael Southern | Berwin Leighton Paisner LLP

Trainee Solicitor

Direct Dial: +44 (0)20 3400 3616

Main: +44 (0)20 3400 1000

Email: Rachael.Southern@blplaw.com

Web: www.blplaw.com

From: Nacera Bouara [<mailto:nbouara@wslaw.co.uk>]

Sent: 06 July 2017 17:11

To: Sheridan Treger

Cc: Rachael Southern; Izabella Suberlak

Subject: NETWORK RAIL - ANGLIA LEVEL CROSSING REDUCTIONS TWA ORDER - OBJ134/REP 5 NORTHUMBRIAN WATER LTD

Please see the attached letter, sent on behalf of Izabella Suberlak.

Kind regards.

Nacera Bouara

Secretary

T +44 (0) 20 7593 5174

F +44 (0) 20 7593 5199

nbouara@wslaw.co.uk

**Winckworth
Sherwood**

www.wslaw.co.uk

Cyber Crime Alert

Emails can be scammed. Please do not rely on email notification of bank account changes without direct verbal confirmation from a trusted source.


Winckworth Sherwood

Minerva House | 5 Montague Close | London | SE1 9BB | DX 156810 London Bridge 6

T 020 7593 5000 | F 020 7593 5099

This email and any attachments are confidential and may be the subject of legal privilege. Any use, copying or disclosure other than by the intended recipient is unauthorised. If you have received this message in error, please notify the sender immediately via 020 7593 5000 and delete this message from your computer and network.

Winckworth Sherwood is a business name of Winckworth Sherwood LLP, a limited liability partnership registered in England and Wales with the registered number OC334359. Winckworth Sherwood is authorised and regulated in the United Kingdom by the Solicitors Regulation Authority and has offices in London, Oxford and Manchester. A list of the members (who we may refer to as "partners") and their professional qualifications may be inspected at the registered office, Minerva House, 5 Montague Close, London, SE1 9BB. For further information about the firm please visit www.wslaw.co.uk.

 Please consider the environment and do not print this e-mail unless you really need to.

Berwin Leighton Paisner LLP

Adelaide House, London Bridge, London EC4R 9HA, UK

DX 92 London/Chancery Lane

t: +44 (0)20 3400 1000 f: +44 (0)20 3400 1111 w: www.blplaw.com

This email is confidential and may be covered by legal privilege. Please notify us immediately if you have received this email in error. You should not copy it or disclose its contents to any other person. We may monitor email communications in accordance with applicable laws and regulations.

Berwin Leighton Paisner LLP (“BLP”) is a limited liability partnership registered in England and Wales (registered number OC315919) and is authorised and regulated by the Solicitors Regulation Authority (www.sra.org.uk). A list of partners is open to inspection at BLP’s registered office. Within the BLP Group, partner is used to refer to a member, or an employee or consultant with equivalent standing and/or qualifications as required, of BLP or any of its affiliated firms and entities. For further information, see the legal notices section of our website (www.blplaw.com)