NR191

Network Rail Infrastructure Limited

Network Rail (Essex and Others Level Crossing Reduction) Order

Note on effect on utilities to dedicating footpaths over land in which they hold apparatus

1 Under section 48(1) of the New Roads and Street Works Act 1991 (NRSWA), street is given a wide meaning to include

"the whole or any part of any of the following, irrespective of whether it is a thoroughfare—

(a) any highway, road, lane, footway, alley or passage,

(b) any square or court, and

(c) any land laid out as a way whether it is for the time being formed as a way or not.

Where a street passes over a bridge or through a tunnel, references in this Part to the street include that bridge or tunnel."

2 Part III of the NRSWA sets out arrangements for statutory undertakers to provide notice of the starting date to the street authority (usually the highway authority) and if appropriate to co-ordinate before carrying out "street works" in exercise their statutory powers to put, or maintain, their equipment in streets. "Street works" means works (other than works for road purposes) executed in a street in pursuance of a statutory right or a street works licence—

(a) placing apparatus, or

(b) inspecting, maintaining, adjusting, repairing, altering or renewing apparatus, changing the position of apparatus or removing it,

or works required for or incidental to any such works (including, in particular, breaking up or opening the street, or any sewer, drain or tunnel under it, or tunnelling or boring under the street) and include:

(a) reinstatement of the street, and

(b) where an undertaker has failed to comply with his duties with respect to reinstatement of the street, any remedial works.

3 The Order does not disapply the NRSWA provisions. In article 3 it provides for works in the carriageway authorised by the Order to be treated as major transport works under Part III of the NRSWA if they fall within the relevant descriptions in that part of the Act). Article 3 also specifically applies certain sections of the NRSWA to the works authorised by articles 8 and 9 in the Order which interfere with streets.

4 Where the Order seeks to extinguish public or private rights of way under articles 13 and 14, there is a specific exemption so as not to extinguish any rights of statutory undertakers.

5 The dedication of new public rights of way created by the Order over land will bring that land within the definition of "street" in section 48(1) of the NRSWA. There will, therefore, in practice, be no interference with the rights of statutory undertakers as a result of the dedication because the statutory undertakers will be able to carry out any inspection, maintenance, repair alteration or renewal of apparatus under the NRSWA provisions. The statutory undertaker will be liable for the costs of any Temporary Traffic Regulation Order made under section 14 of the Road Traffic Regulation Act 1984 if the public right of way needs at any time to be closed in the interests of public safety while works are carried out.

6 Any utilities identified to have apparatus in the areas covered by the Order but not identified as having an interest in a specific plot of land within the Order limits were served a landowner's notice in the prescribed form under rule 13 of the Transport and Works (Applications and Objections Procedure)(England and Wales) Rules 2006. They are listed at the end of the Book of Reference and have been served notice of the Order proposals.

TRANSPORT AND WORKS ACT 1992

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

Update on correspondence with landowners regarding utilities where a new diversionary route has been proposed

Network Rail wrote to landowners affected by proposed amendments to the diversionary routes requesting confirmation of whether they had knowledge of any utilities on their land likely to affect these proposals. The affected crossings were: T01 No 131, E05 Fullers End, E06 Elsenham Emergency Hut, E08 Henham, E20 Snivellers, E48 Wheatsheaf. The following (attached) responses were received:

Crossing	**Known utilities?**
T01 No 131	*"We have very little in the way of service drawing for that area.* *I have attached a gas plan we have on file for your information.* *There is a large foul sewer passing through this area (Main sewer serving Aveley) but we do not have any plan, it runs on our land parallel to the mardyke and then goes north when it get to the Arterial Road. I have attached Plan B which shows the wayleave area edged in blue.* *I would also point out there is the main Purfleet BT exchange in the area (North)."*
E05 Fullers End	*"Further to your email of yesterday, please find attached marked plans showing the utilities that we are aware of on the land affected by the crossing proposals for EO5 Fullers End."*
E06 Elsenham Emergency Hut	*"As far as John and I know there are no services in our land that you require for the footpath improvements."*
E08 Henham	*"I am not aware of any underground cables but there is a oil pipeline in the area. I am not sure exactly where it goes. I believe it is just to the east of the railway to the north of the crossing and I think goes under the railway going south. It is under land which I do not cultivate and is inspected form time to time."*
E20 Snivellers	*"There are no underground obstructions which have been put in the ground by us (H Siggers & Son). I do know that there is a high pressure gas main that crosses the field near to the railway line/crossing."*
E48 Wheatsheaf	*"I've just spoken to Mr Hutley, he does not have any utilities on his property apart from standard house hold drainage and circle ways"* - Liz Noonan, Objection Management ***Anglia Level Crossings***

As far as Network Rail is concerned, the only response that might identify a utility underneath the land on which Network Rail is dedicating a new ROW is that relating to T01. As to the effects of a utility potentially being identified, please see Network Rail's separate note on the effect on utilities to dedicating footpaths over land in which they hold apparatus.

Winckworth Sherwood LLP

13.02.2019

Henry Tester

From: Noonan Liz <Liz.Noonan@networkrail.co.uk>
Sent: 08 February 2019 15:27
To: Hazel Anderson; Izabella Suberlak; Henry Tester
Cc: Lewis Lesley
Subject: FW: Essex and Others Level Crossing closures - T01 No 131 - Utility services
Attachments: SFX446.pdf; 1945-03-26 - Transfer - LCC - Plan B.pdf

This message originated outside Winckworth Sherwood

FYI

Liz Noonan
Objection Management ***Anglia Level Crossings***
07715960244

From: Drew Whittock <drew@mscott.co.uk>
Sent: 08 February 2019 14:33
To: Noonan Liz <Liz.Noonan@networkrail.co.uk>
Subject: RE: Essex and Others Level Crossing closures - T01 No 131 - Utility services

Liz,

Please find below email from Kelvin to Isobel with the requested information

Kind Regards,

Drew Whittock | Development Surveyor

Tel: 01206 848376 | Mobile: 07741 590333
drew@mscott.co.uk | www.mscott.co.uk

SCOTT PROPERTIES

Suite 5, Oyster House, Severalls Lane, Colchester, Essex CO4 9PD

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From: Kelvin
Sent: Wednesday, January 16, 2019 1:15 PM
To: Berry Isobel
Cc: AngliaLevelCrossings
Subject: Re: Essex and Others Level Crossing closures - T01 No 131 - Utility services

Hi isobel,

We have very little in the way of service drawing for that area.

I have attached a gas plan we have on file for your information.

There is a large foul sewer passing through this area (Main sewer serving Aveley) but we do not have any plan, it runs on our land parallel to the mardyke and then goes north when it get to the Arterial Road. I have attached Plan B which shows the wayleave area edged in blue.

I would also point out there is the main Purfleet BT exchange in the area (North).

Hope this helps

Regards

Kelvin

From: Berry Isobel
Sent: Monday, January 14, 2019 9:35 AM
To: lakesideproperty@hotmail.com
Cc: AngliaLevelCrossings
Subject: Essex and Others Level Crossing closures - T01 No 131 - Utility services

Dear Mr Weatherill

The Network Rail (Essex and Others Level Crossing Reduction) Order Level crossing T01 No.131

Please may I request whether you have or know of any utilities (e.g. underground cables, cesspits etc.) to be on or near your land affecting the crossing proposals for T01 No.131?

I attach the latest Order plan for T01 No.131, which should there be any, would be appreciated if you could please also mark on the plan.

I'd be grateful if you could please let me know all details pertaining to this by Friday 08 February.

Many thanks.

Regards,
Isobel Berry
Objections Management *Anglia Level Crossings*
07966863772

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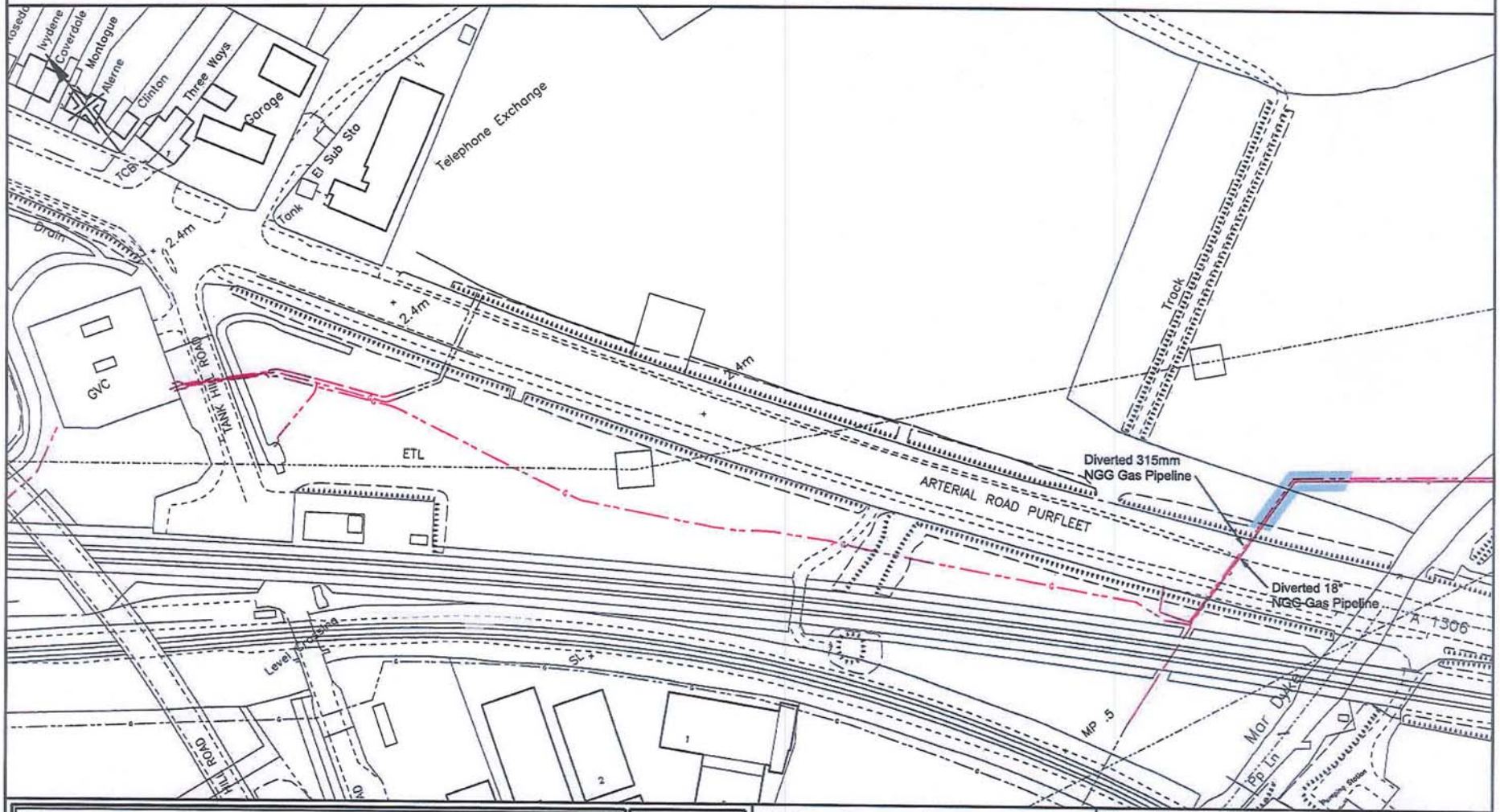
CHANNEL TUNNEL RAIL LINK
UTILITY DIVERSIONS



LEGEND

- CTRL Controlled Infrastructure
- Third Party Land
- Network Rail Infrastructure Land
- CTRL Constrained Land
- NRSWA
- CTRL Other Land
- Shared Easement

LCR

Map Ref:	TQ 55214 79330
Plan No:	361-LRD-15NGG-20001-AA
Scale:	1:1250
Date:	27 June 2011

NATIONAL GRID GAS PLC
Tank Hill Road & Arterial Road
Purfleet
Thurrock

UTILITY DIVERSION No:
361-BG-001

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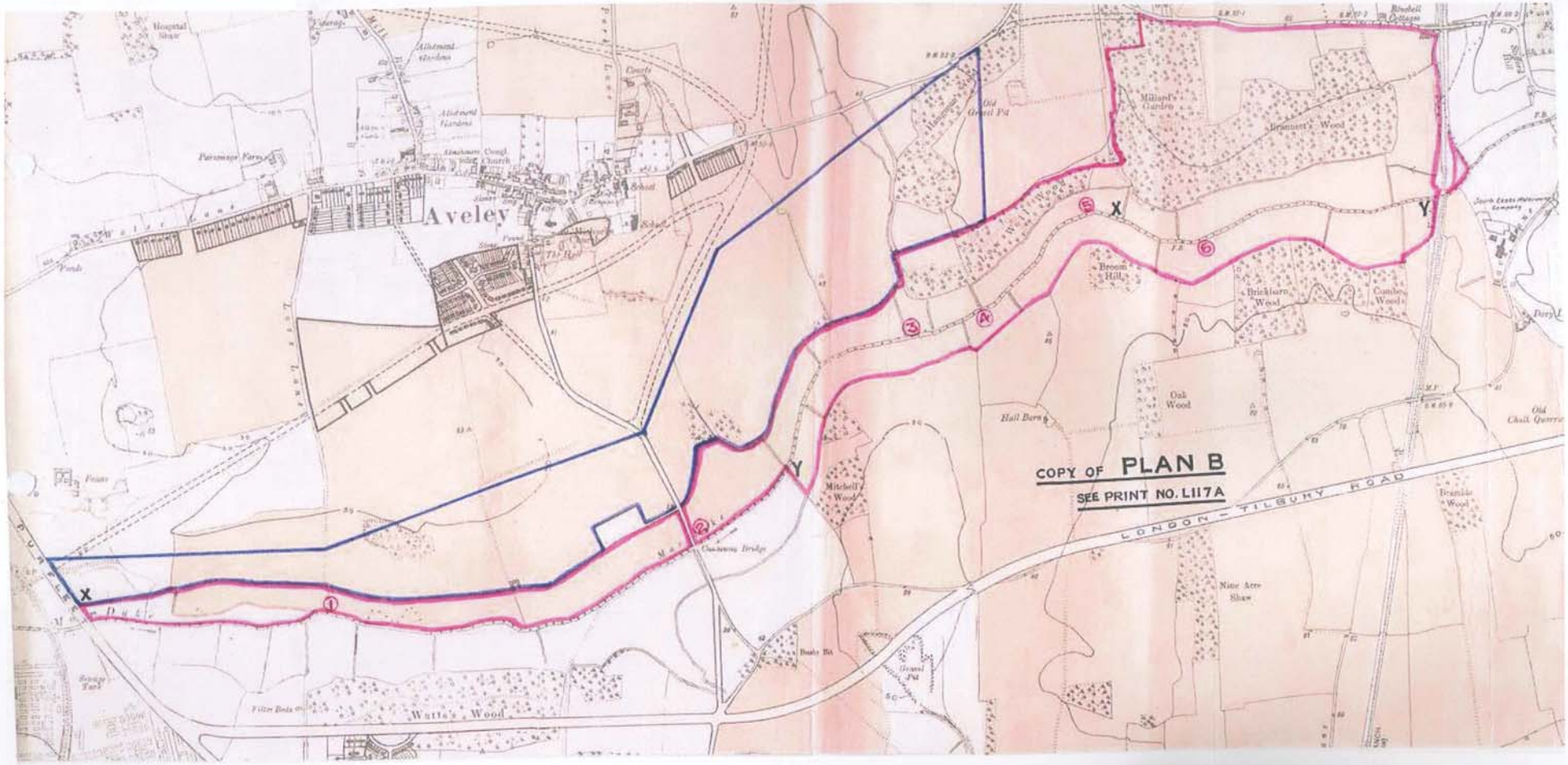
Scale
0 50 100 metres

1945-03-26
Trouts - LCC - Plan B



Henry Tester

From: Sasha Holmes <sashaholmes@hotmail.co.uk>
Sent: 11 January 2019 15:19
To: Berry Isobel
Cc: njbholmes@btinternet.com
Subject: RE: Essex and Others Level Crossing closures - E05 Fuller's End - Utility services
Attachments: Mill House Field Utilities Plan & Mains Water.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Isobel,

Further to your email of yesterday, please find attached marked plans showing the utilities that we are aware of on the land affected by the crossing proposals for EO5 Fullers End.

.ind regards,

Sasha Holmes

From: Berry Isobel <Isobel.Berry@networkrail.co.uk>
Sent: 10 January 2019 10:38
To: sashaholmes@hotmail.co.uk
Cc: AngliaLevelCrossings <AngliaLevelCrossings@networkrail.co.uk>
Subject: Essex and Others Level Crossing closures - E05 Fuller's End - Utility services

Dear Ms Holmes,

The Network Rail (Essex and Others Level Crossing Reduction) Order Level crossing E05 Fuller's End

Please may I request whether you have or know of any utilities (e.g. underground cables, cesspits etc.) to be on r near your land affecting the crossing proposals for E05 Fuller's End?

I attach the latest Order plan for E05, which should there be any, would be appreciated if you could please also mark on the plan.

I'd be grateful if you could please let me know all the details pertaining to this by Friday 08 February.

Many thanks.

Regards,
Isobel Berry
Objections Management *Anglia Level Crossings*
07966863772

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N
KEY:
SITE AREA
NETWORK RAIL BOUNDARY
UKPN HV UG CABLES
UKPN LV UG CABLES
THAMES WATER FOUL WATER SEWER WITH 6m EASEMENT AS SHOWN
THAMES WATER SURFACE WATER SEWER WITH 6m EASEMENT AS SHOWN
AFFINITY WATER POTABLE WATER MAIN
NATIONAL GRID LP GAS MAINS
BT OH CABLES
BT UG CABLES
REV DESCRIPTION DE DR CH PA DATE
DESIGNED BY -
DRAWN BY JMA
CHECKED BY RBT
PASSED BY -
SCALES @ A1 SIZE N.T.S
DATE 08/08/2013
ISSUE STATUS PRELIMINARY
PROJECT TITLE
LAND AT ROBIN HOOD LANE, ELSENHAM, ESSEX
DRAWING TITLE
COMBINED SERVICES PLAN

Transport and Works Act 1992

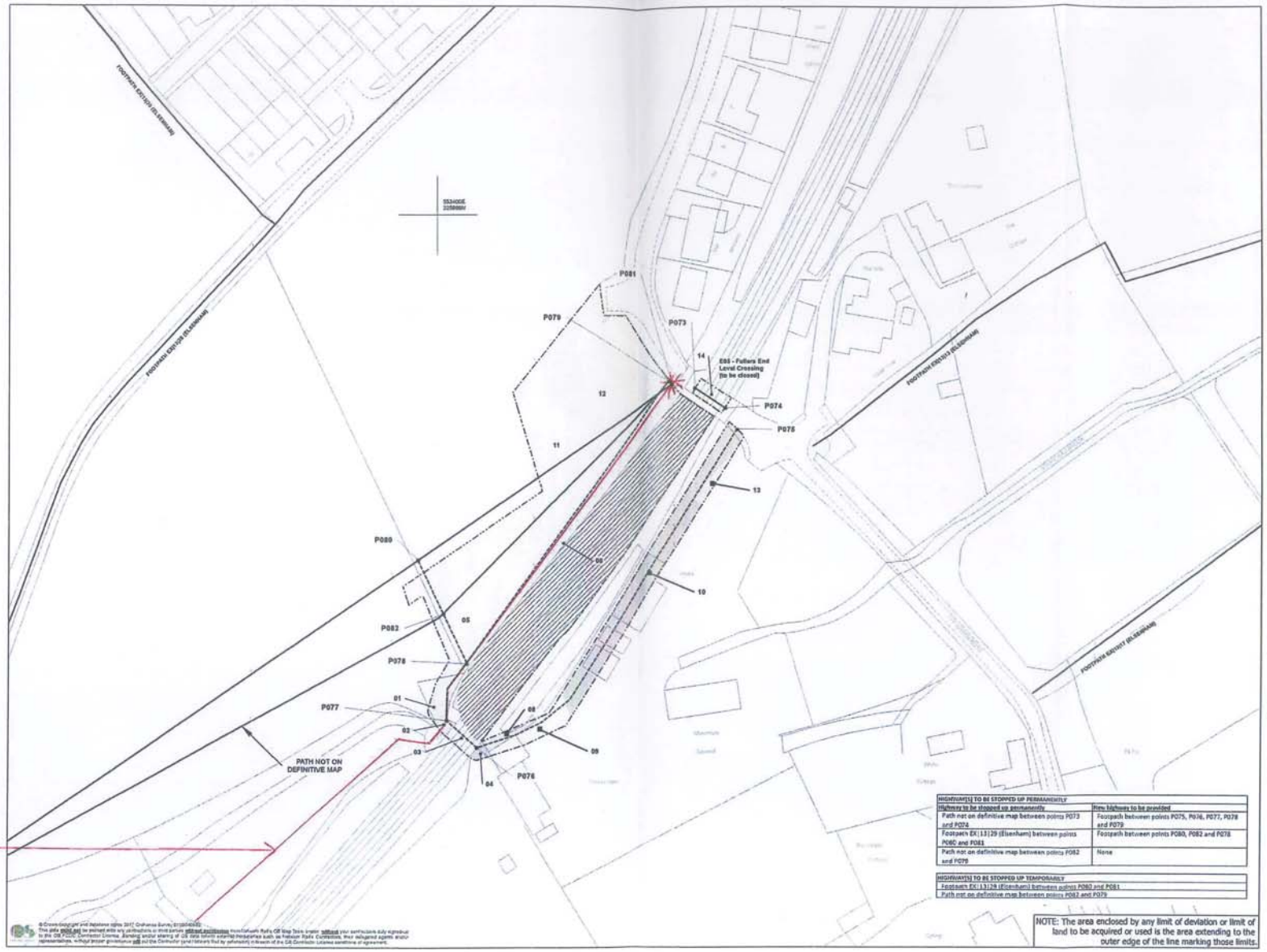
The Network Rail (Essex and Others Level Crossing Reduction) Order

COUNTY OF ESSEX, DISTRICT OF UTTLESFORD

PARISH OF ELSENHAM

Revision Date 15-08-2018

Replacement Sheet 11
E05 - Fullers End
Level Crossing



HIGHWAY[S] TO BE STOPPED UP PERMANENTLY	
Highway to be stopped up permanently	New highway to be provided
Path not on definitive map between points P073 and P074	Footpath between points P075, P076, P077, P078 and P079
Footpath EK(13)29 (Elsenham) between points P08C and P083	Footpath between points P080, P082 and P078
Path not on definitive map between points P082 and P079	None

HIGHWAY[S] TO BE STOPPED UP TEMPORARILY
Footpath EK(13)28 (Elsenham) between points P082 and P083
Path not on definitive map between points P083 and P079

NOTE: The area enclosed by any limit of deviation or limit of land to be acquired or used is the area extending to the outer edge of the line marking those limits.

PLAN

10 0 10 20 30 40 50 Metres

HORIZONTAL SCALE FOR PLAN 1:500

Unrestricted powers to acquire land
No. on plan:

Powers Limited to Temporary Use of Land and Acquisition of Rights
No. on plan:

Powers Limited to Temporary Use of Land
No. on plan:
01 11
02 12
03 13
04
05
06
08
09
10

Powers Limited to Rights
No. on plan:

Powers Limited to Extinguishment of Rights
No. on plan:
14

Centreline of Work
Commencement of Work
Termination of Work
A New / Improved Access
Limit of Deviation
Limit of Land to be Acquired or Used
Individual Land Parcels are shaded in contrasting shades of grey
Land Parcel Number
Network Rail Property
Areas of Third Party Land Benefitting from New Access Rights
Existing or Alleged Public Right of Way
New Public Right of Way

TRAFFIC REGULATION ORDERS (IF APPLICABLE)

TRO1 Traffic Regulation Order Reference Point
Administrative Boundaries

NB
PLEASE SEE ATTACHED PLAN SHOWING COMBINED SERVICES

* WATER METER FOR MILL HOUSE

MAINS WATER TO MILL HOUSE

Henry Tester

From: Robert Smith <robert@russellsmithfarms.co.uk>
Sent: 04 February 2019 11:19
To: Berry Isobel; jrcsmithoxcroft@aol.com
Cc: AngliaLevelCrossings; Robert Timmins
Subject: RE: Essex and Others Level Crossing closures - E06 Elsenham Emergency Hut - Utility services

Dear Isobel
As far as John and I know there are no services in our land that you require for the footpath improvements
Regards
Robert

Robert G R Smith
Russell Smith Farms
College Farm
Grange Road
Duxford
Cambridge, CB22 4QF

Tel: 01223 839002
Mobile: 07831 209753
Home: 01763 838497
Email: robert@russellsmithfarms.co.uk

From: Berry Isobel [mailto:Isobel.Berry@networkrail.co.uk]
Sent: 04 February 2019 10:09
To: jrcsmithoxcroft@aol.com; Robert Smith
Cc: AngliaLevelCrossings; Robert Timmins
Subject: Essex and Others Level Crossing closures - E06 Elsenham Emergency Hut - Utility services

Dear John and Robert,

The Network Rail (Essex and Others Level Crossing Reduction) Order Level crossing E06 Elsenham Emergency Hut

Please may I request whether you have or know of any utilities (e.g. underground cables, cesspits etc.) to be on or near your land affecting temporary plots 15 and 16A for the crossing proposals at E06 Elsenham Emergency Hut?

I attach the latest Order plan for E06 Sheet 12, which should there be any, would be appreciated if you could please also mark on the plan.

I'd be grateful if you could please let me know and Cc in the Anglia Level Crossings email with any details pertaining at your earliest convenience.

Many thanks.

Regards,
Isobel Berry
Objections Management *Anglia Level Crossings*
07966863772

Henry Tester

From: Charles Martineau <martineauc@aol.com>
Sent: 10 January 2019 11:48
To: Berry Isobel
Subject: Re: Essex and Others Level Crossing closures - E08 Henham - Utility services

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Isabel Berry,

I am not aware of any underground cables but there is a oil pipeline in the area. I am not sure exactly where it goes. I believe it is just to the east of the railway to the north of the crossing and I think goes under the railway going south. It is under land which I do not cultivate and is inspected form time to time.

Best wishes,

Charles Martineau

-----Original Message-----
From: Berry Isobel <Isobel.Berry@networkrail.co.uk>
To: martineauc@aol.com <martineauc@aol.com>
CC: AngliaLevelCrossings <AngliaLevelCrossings@networkrail.co.uk>
Sent: Thu, 10 Jan 2019 10:57
Subject: Essex and Others Level Crossing closures - E08 Henham - Utility services

Dear Mr Martineau

The Network Rail (Essex and Others Level Crossing Reduction) Order Level crossing E08 Henham

Please may I request whether you have or know of any utilities (e.g. underground cables, cesspits etc.) to be on or near your land affecting the crossing proposals for E08?

I attach the latest Order plan for E08, which should there be any, would be appreciated if you could please also mark on the plan.

I'd be grateful if you could please let me know all details pertaining to this by Friday 08 February.

Many thanks.

Regards,
Isobel Berry
Objections Management *Anglia Level Crossings*
07966863772

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Henry Tester

From: Henry Siggers <leapingwellsfarm@aol.com>
Sent: 07 January 2019 11:21
To: Berry Isobel
Subject: Re: Essex and Others Level Crossing closures - E20 Snivellers - Utility services

Isobel

There are no underground obstructions which have been put in the ground by us (H Siggers & Son).

I do know that there is a high pressure gas main that crosses the field near to the railway line/crossing.

Kind regards

Henry Siggers

-----Original Message-----
From: Berry Isobel <Isobel.Berry@networkrail.co.uk>
To: leapingwellsfarm@aol.com <leapingwellsfarm@aol.com>
CC: AngliaLevelCrossings <AngliaLevelCrossings@networkrail.co.uk>
Sent: Mon, 7 Jan 2019 11:14
Subject: Essex and Others Level Crossing closures - E20 Snivellers - Utility services

Dear Mr Siggers

The Network Rail (Essex and Others Level Crossing Reduction) Order Level crossing E20 Snivellers.

Happy New Year.

Please may I request whether you have or know of any utilities (e.g. underground cables, cesspits etc.) to be on or near both your land and your parents land, Mr Brian and Mrs Janie Siggers, affecting the crossing proposals for E20 Snivellers?

I attach the latest Order plan for E20, which should there be any, may help you to mark on the plan.

I'd be grateful if you could please let me know any details pertaining to this by Monday 04 February.

Many thanks.

Regards,
Isobel Berry
Objections Management *Anglia Level Crossings*
07966863772

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Henry Tester

From: Noonan Liz <Liz.Noonan@networkrail.co.uk>
Sent: 08 February 2019 11:57
To: Hazel Anderson; 'Jacqueline Lean'; Izabella Suberlak; Henry Tester; Lewis Lesley
Subject: FW: Essex and Others Level Crossing closures - E48 Wheatsheaf - Utility services
Attachments: i E48 Replacement Sheet 40 Dated 05-12-2018.pdf

This message originated outside Winckworth Sherwood

Hi

I've just spoken to Mr Hutley, he does not have any utilities on his property apart from standard house hold drainage and circle ways

Liz Noonan
Objection Management ***Anglia Level Crossings***
07715960244

From: Berry Isobel
Sent: 04 February 2019 12:59
To: robert.hu@tiscali.co.uk
Cc: AngliaLevelCrossings <AngliaLevelCrossings@networkrail.co.uk>; Noonan Liz <Liz.Noonan@networkrail.co.uk>
Subject: RE: Essex and Others Level Crossing closures - E48 Wheatsheaf - Utility services

Dear Mr and Mrs Hutley

Please could you let me know whether you're aware or not of any utilities on or near your land affecting the crossing proposals at E48 Wheatsheaf and if so, if you would be able to mark them on the attached plan?

I'd be grateful if you could please Cc the Anglia Level Crossings email in your response.

Many thanks in advance,

'sobel Berry
Objections Management *Anglia Level Crossings*
07966863772

From: Berry Isobel
Sent: 07 January 2019 11:00
To: 'robert.hu@tiscali.co.uk' <robert.hu@tiscali.co.uk>
Subject: Essex and Others Level Crossing closures - E48 Wheatsheaf - Utility services

Apologies, further to my email below, please could you let me know by Monday 04 February.

Kind regards,

Isobel Berry
Objections Management *Anglia Level Crossings*
07966863772

From: Berry Isobel
Sent: 07 January 2019 10:54

To: 'robert.hu@tiscali.co.uk' <robert.hu@tiscali.co.uk>
Cc: Lewis Lesley <Lesley.Lewis@networkrail.co.uk>
Subject: Essex and Others Level Crossing closures - E48 Wheatsheaf - Utility services

Dear Mr and Mrs Hutley

The Network Rail (Essex and Others Level Crossing Reduction) Order Level crossing E48 Wheatsheaf.

Happy New Year to you both.

Please may I request whether you have or know of any utilities (e.g. underground cables, cesspits etc.) to be on or near your land affecting the crossing proposals for E48 Wheatsheaf?

I attach the latest Order plan for E48, which should there be any, may help you to mark on the plan.

I'd be grateful if you could please let me know any details pertaining to this by Monday 14 January.

Many thanks.

Regards,
Isobel Berry
Objection Management *Anglia Level Crossings*
07966863772

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Transport and Works Act 1992

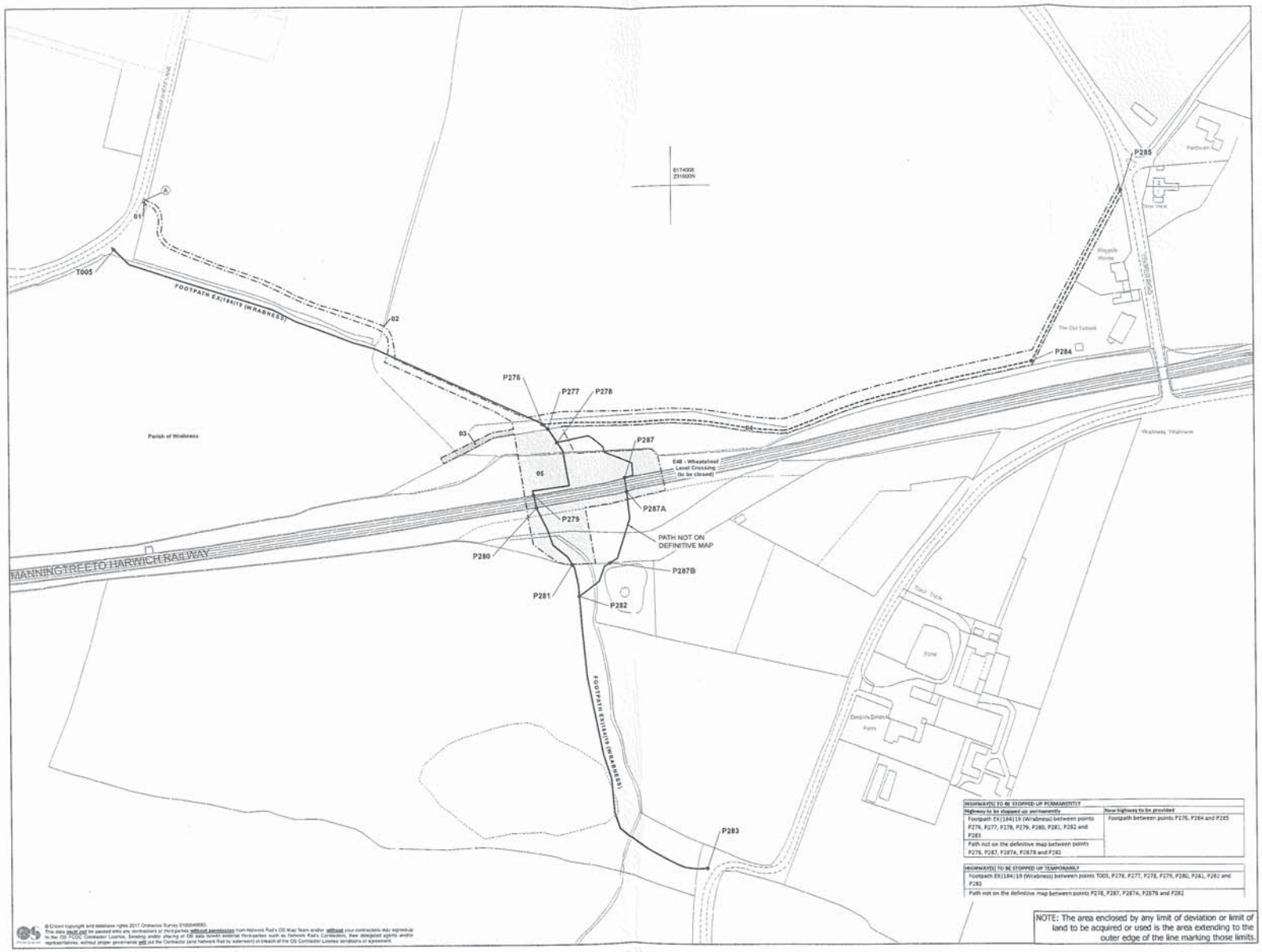
The Network Rail (Essex and Others Level Crossing Reduction) Order

COUNTY OF ESSEX, DISTRICT OF TENDRING

PARISH OF WRABNESS

Revision Date 05-12-2018

Replacement Sheet 40
E48 - Wheatsheaf
Level Crossing



HIGHWAY(S) TO BE STOPPED UP PERMANENTLY	
Highway to be stopped up permanently	New highway to be provided
Footpath EX(184)19 (Wrabness) between points P276, P277, P278, P279, P280, P281, P282 and P283	Footpath between points P276, P284 and P285
Path not on the definitive map between points P278, P287, P287A, P287B and P282	

HIGHWAY(S) TO BE STOPPED UP TEMPORARILY
Footpath EX(184)19 (Wrabness) between points T005, P276, P277, P278, P279, P280, P281, P282 and P283
Path not on the definitive map between points P278, P287, P287A, P287B and P282

NOTE: The area enclosed by any limit of deviation or limit of land to be acquired or used is the area extending to the outer edge of the line marking those limits.

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PLAN

25 0 25 50 75 100 125 Metres

HORIZONTAL SCALE FOR PLAN 1:1250

Unrestricted powers to acquire land
No. on plan:

Powers Limited to Temporary Use of Land and Acquisition of Rights
No. on plan:

Powers Limited to Temporary Use of Land
No. on plan:
01
02
03
04

Powers Limited to Rights
No. on plan:

Powers Limited to Extinguishment of Rights
No. on plan:
05

Centreline of Work
Commencement of Work
Termination of Work
(A) New / Improved Access

Limit of Deviation
Limit of Land to be Acquired or Used

Individual Land Parcels are shaded in contrasting shades of grey

01 Land Parcel Number
Network Rail Property
Areas of Third Party Land Benefitting from New Access Rights

Existing or Alleged Public Right of Way
New Public Right of Way

TRAFFIC REGULATION ORDERS (IF APPLICABLE)

TRO1 Traffic Regulation Order Reference Point

Administrative Boundaries