
STATUTORY INSTRUMENTS

2022 No. 651

The Network Rail (Essex and Others
Level Crossing Reduction) Order 2022

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Network Rail (Essex and Others Level Crossing Reduction) Order 2022 and comes into force on 30th June 2022.

Commencement Information

II Art. 1 in force at 30.6.2022, see [art. 1](#)

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961(1);

“the 1965 Act” means the Compulsory Purchase Act 1965(2);

“the 1980 Act” means the Highways Act 1980(3);

“the 1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);

“the 1984 Act” means the Road Traffic Regulation Act 1984(5);

“the 1990 Act” means the Town and Country Planning Act 1990(6);

“the 1991 Act” means the New Roads and Street Works Act 1991(7);

“the 2003 Act” means the Communications Act 2003(8);

“address” includes any number or address used for the purposes of electronic transmission;

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

“book of reference” means the book of reference certified by the Secretary of State as the book of reference for the purposes of this Order;

“bridleway” has the same meaning as in the 1980 Act;

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1980 c. 66.
(4) 1981 c. 66.
(5) 1984 c. 27.
(6) 1990 c. 8.
(7) 1991 c. 22.
(8) 2003 c. 21.

“building” includes any structure or erection or any part of a building, structure or erection;

“byway open to all traffic” has the same meaning as in section 66(1) (interpretation of Part 3) of the Wildlife and Countryside Act 1981⁽⁹⁾;

“carriageway” has the same meaning as in the 1980 Act;

“cycle track” has the same meaning as in section 329(1)⁽¹⁰⁾ (further provisions as to interpretation) of the 1980 Act;

“deposited plans” means the plans certified by the Secretary of State as the deposited plans for the purposes of this Order;

“deposited sections” means the sections certified by the Secretary of State as the deposited sections for the purposes of this Order;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form,

and in this definition “electronic communications network” has the same meaning as in section 32(1)⁽¹¹⁾ (meaning of electronic communications and networks and services) of the 2003 Act;

“footpath” and “footway” have the same meaning as in the 1980 Act;

“highway authority” has the same meaning as in the 1980 Act;

“limits of deviation” means the limits of deviation for the scheduled works shown on the deposited plans;

“maintain” includes inspect, repair, adjust, alter, remove, reconstruct and replace and maintenance is to be construed accordingly;

“Network Rail” means Network Rail Infrastructure Limited (company registration number 02904587) whose registered office is at 1 Eversholt Street, London NW1 2DN;

“Order limits” means the limits of deviation and the limits of land to be acquired or used shown on the deposited plans;

“owner”, in relation to land, has the same meaning as in section 7 (interpretation) of the Acquisition of Land Act 1981⁽¹²⁾;

“restricted byway” has the same meaning as in the 1980 Act;

“scheduled works” means the works specified in Schedule 1 (scheduled works) or any part of them;

“statutory undertaker” means—

- (a) any person who is a statutory undertaker for the purposes of the 1990 Act; and
- (b) any public communications provider within the meaning of section 151(1) (interpretation of Chapter 1) of the 2003 Act;

“street” includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 (street works in England and Wales) of the 1991 Act; and

“the tribunal” means the Lands Chamber of the Upper Tribunal.

⁽⁹⁾ 1981 c. 69.

⁽¹⁰⁾ The definition of “cycle track” was amended by section 1 of the Cycle Tracks Act 1984 (c. 38) and paragraph 21(2) of Schedule 3 to the Road Traffic (Consequential Provisions) Act 1988 (c. 54).

⁽¹¹⁾ Section 32(1) was amended by S.I. 2011/1210.

⁽¹²⁾ 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34).

(2) All distances, directions and lengths referred to in this Order are approximate and are taken to be measured between the points shown on the deposited plans.

(3) References in this Order to points identified by letters and numbers are construed as references to points so shown on the deposited plans.

(4) References in this Order to rights over land include references to rights to do, or to place and maintain, anything in, on or under land or in the airspace over its surface.

(5) References in this Order to numbered plots are references to plot numbers as shown on the deposited plans.

Commencement Information

I2 Art. 2 in force at 30.6.2022, see [art. 1](#)

Application of the 1991 Act

3.—(1) Works executed under this Order in relation to a highway which consists of or includes a carriageway are to be treated for the purposes of Part 3 (street works in England and Wales) of the 1991 Act as major transport works if—

- (a) they are of a description mentioned in any of paragraphs (a), (c) to (e), (g) and (h) of section 86(3) (which defines what highway authority works are major highway works) of that Act; or
- (b) they are works which, had they been executed by the highway authority, might have been carried out in exercise of the powers conferred by section 64(13) (dual carriageways and roundabouts) of the 1980 Act.

(2) The provisions of the 1991 Act mentioned in paragraph (3) (which, together with other provisions of that Act, apply in relation to the carrying out of street works) and any regulations made or code of practice issued or approved under those provisions apply (with the necessary modifications) in relation to any stopping up, alteration or diversion of a street of a temporary nature by Network Rail under the powers conferred by article 9 (temporary stopping up of streets) and the carrying out of works under article 8 (power to execute street works) whether or not the stopping up, alteration or diversion, or the carrying out of such works, constitutes street works within the meaning of that Act.

(3) The provisions of the 1991 Act(14) referred to in paragraph (2) are—

- section 59(15) (general duty of street authority to co-ordinate works);
- section 60 (general duty of undertakers to co-operate);
- section 68 (facilities to be afforded to street authority);
- section 69 (works likely to affect other apparatus in the street);
- section 76 (liability for cost of temporary traffic regulation);
- section 77 (liability for cost of use of alternative route); and

all such other provisions as apply for the purposes of the provisions mentioned above.

(4) Nothing in article 10 (construction and maintenance of new or altered streets)—

- (a) prejudices the operation of section 87 (prospectively maintainable highways) of the 1991 Act; and Network Rail is not, by reason of any duty under that article to maintain a street,

(13) Section 64 was amended by section 102 of, and Schedule 17 to, the Local Government Act 1985 (c. 51) and section 168(2) of, and Schedule 9 to, the 1991 Act.

(14) Sections 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

(15) Section 59 was amended by section 42 of the Traffic Management Act 2004.

to be taken to be a street authority in relation to that street for the purposes of Part 3 of that Act; or

- (b) has effect in relation to street works with regard to which the provisions of Part 3 of the 1991 Act apply.

Commencement Information

I3 Art. 3 in force at 30.6.2022, see [art. 1](#)

Disapplication of legislative provisions

4.—(1) The following provisions do not apply in relation to any works executed under the powers conferred by this Order—

- (a) regulation 12(1)(a) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016(**16**) in relation to the carrying out of a relevant flood risk activity;
- (b) section 23 (prohibition on obstacles etc. in watercourses) of the Land Drainage Act 1991(**17**);
- (c) the provisions of any byelaws made under, or having effect as if made under, section 66(**18**) (powers to make byelaws) of the Land Drainage Act 1991, which require consent or approval for the carrying out of the works; and
- (d) the Neighbourhood Planning Act 2017(**19**) in so far as it relates to temporary occupation of land under articles 21 (temporary use of land for construction of works) and 22 (temporary use of land for maintenance of works).

(2) On completion of the relevant authorised works—

- (a) section 10 of the London, Tilbury and Southend Extension Railway Act 1852(**20**) is disapplied as it relates to level crossings at—
- (i) Ferry in the Borough of Castle Point, County of Essex;
- (ii) No. 131 in Thurrock; and
- (iii) Howells Farm in Thurrock; and
- (b) the Railtrack Long Green Level Crossing Order 1997; and
- (c) the Network Rail Johnsons Level Crossing Order 2003,

are revoked.

Commencement Information

I4 Art. 4 in force at 30.6.2022, see [art. 1](#)

(16) [S.I. 2016/1154](#).

(17) [1991 c. 59](#). Section 23 was amended by paragraph 192 of Schedule 22 of the Environment Act (c. 25), paragraphs 25 and 32 of Schedule 2 to the Flood and Management Act [2010 \(c. 29\)](#) and [S.I. 2013/755](#).

(18) Section 66 was amended by paragraphs 25 and 38 of Schedule 2 to the Flood and Water Management Act 2010 and section 86(1) and (3) of the Water Act [2014 \(c. 21\)](#).

(19) [2017 c. 20](#).

(20) 1852 c. lxxxiv.

Changes to legislation:

There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022, PART 1.