

SCHEDULE 1

Article 2

SCHEDULED WORKS

Commencement Information

I1 Sch. 1 in force at 30.6.2022, see [art. 1](#)

In the County of Hertfordshire, District of East Hertfordshire

Parish of Sawbridgeworth

Work No. 1 — A footbridge, commencing at a point 15 metres south-west of the centre of Tednambury level crossing and terminating at a point 8 metres north-east of its commencement.

Parish of Thorley

Work No. 2 — A footbridge, commencing at a point 105 metres north-east of the centre of Fowlers Lane level crossing and terminating at a point 8 metres north-east of its commencement.

County of Essex, District of Uttlesford

Parish of Ugley

Work No. 3 — A footbridge, commencing at a point 360 metres south-west of the centre of Henham level crossing and terminating at a point 6 metres east of its commencement.

SCHEDULE 2

Articles 5, 13, 14 and 15

CLOSURE OF LEVEL CROSSINGS

PART 1

CLOSURE OF LEVEL CROSSINGS SUBJECT TO OPENING OF NEW HIGHWAY

Commencement Information

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

Changes to legislation: There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022. (See end of Document for details)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Extent of level crossing to be stopped up and discontinued</i>	<i>(3)</i> <i>Extent of highway to be extinguished</i>	<i>(4)</i> <i>Status and extent of new highway</i>
County of Hertfordshire Borough of Broxbourne	Cadmore Lane between points P001 and P002	Cadmore Lane between points P001, P002 and P007	Footpath between points P003, P004, P005, P006 and P007 Cycle track between points P003A, P003B, P004, P005, P005A, P006 and P007
County of Essex District of Harlow	Camps between points P023 and P024 Parndon Mill between points P030 and P031	Footpath EX“185”75 (Harlow) between points P021, P022, P023, P024, P025 and P026 Path not on definitive map between points P021, P028 and P023 Path not on definitive map between points P025 and P027 Footpath EX“185”73 (Harlow) between points P029, P030, P031 and P032 Path not on definitive map between points P029, P033 and P030	Footpath between points P014, P015, P016, P017, P018, P019 and P020 Footpath between points P029 and P034
County of Hertfordshire District of East Hertfordshire Parish of Sawbridgeworth	Tednambury between points P037 and P038	Footpath 003(Sawbridgeworth) between points P037, P038, P039, P039B and P040 Path not on definitive map between points P037, P041, P039, P039A and P039B	Footpath between points P037, P042, P043, P044, P045, P046, P047, P039, P039A, and P040

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Extent of level crossing to be stopped up and discontinued</i>	<i>(3)</i> <i>Extent of highway to be extinguished</i>	<i>(4)</i> <i>Status and extent of new highway</i>
County of Hertfordshire District of East Hertfordshire Parish of Thorley	Gilston between points P059 and P060	Footpath 007 (Thorley) between points P058, P059, P060 and P060A Path not on definitive map between points P058, P061, P062 and P062A	Footpath between points P060A, P053, P052 and P055
Parish of Bishop's Stortford	Johnsons between points P064 and P065	Footpath 060 (Bishop's Stortford) between points P063, P064, P065, P066 and P067	Footpath between points P063, P068, P069, P070, P071, P066 and P072, between points P069 and P068A and between points P070 and P069A
Parishes of Henham, Elsenham and Ugley	Elsenham Emergency Hut between points P084A and P084	Footpath EX"25"32 (Henham) between points P083, P084A, P084 and P085 Footpath EX"51"24 (Ugley) between points P091 and P092 Footpath EX"25"7 (Henham) between points P092, P093 and P094 and between points P095 and P096	Footpath between points P083, P088, P089, P090 and P091
Parishes of Ugley, Henham and Widdington	Henham between points P099 and P100	Footpath EX"55"26 (Widdington) between points P106, P099, P100, P101 and P102	Footpath between points P102 and P103 and between points P104, P104A and P105

Changes to legislation: There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022. (See end of Document for details)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Extent of level crossing to be stopped up and discontinued</i>	<i>(3)</i> <i>Extent of highway to be extinguished</i>	<i>(4)</i> <i>Status and extent of new highway</i>
Parish of Newport	Elephant between points P110 and P111	Footpath EX“41”14 (Newport) between points P109, P110, P111 and P112	Footpath between points P113, P114, P115 and P112
Parishes of Newport and Wendens Ambo	Windmills between points P127 and P128	Footpath EX“41”8 (Newport) between points P126, P127 and P128	Footpath between points P128, P130, P131 and P132
City of Chelmsford Parish of Margaretting	Maldon Road between points P152 and P152A	Footpath EX“226”21 (Margaretting) between points P150, P151, P152, P152A, P153 and P154	Bridleway between points P155 and P156
Parish of Boreham	Noakes between points P163 and P164	Footpath EX/213/24 (Boreham) between points [F1P163 and P164] Path not on definitive map between points [F2P163, P167 and P165]	Bridleway between points P160, P161 and P162
District of Braintree Parish of Cressing	Cranes No. 1 between points P170 and P171	Footpath EX“74”14 (Cressing) between points P169 and P170 and between points P171 and P172 Path not on definitive map between points P175, P170, P171 and P178	Footpath between points P169, P173, P174 and P172
Parish of Kelvedon	Snivellers between points P201 and P202	Bridleway EX“92”34 (Kelvedon) between points P200, P201, P202 and P203	Bridleway between points P203, P204 and P205
Parish of Feering	Hill House 1 between points P206A and P207	Footpath EX“78”7 (Feering) between points P206, P206A, P207, P208 and P209	Footpath between points P206 and P210

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Extent of level crossing to be stopped up and discontinued</i>	<i>(3)</i> <i>Extent of highway to be extinguished</i>	<i>(4)</i> <i>Status and extent of new highway</i>
	Great Domsey between points P213 and P214	<p>Path not on definitive map between points P207 and P208</p> <p>Footpath EX“78”3 (Feering) between points P212, P213, P214, P215</p> <p>Path not on definitive map between points P213, P220 and P221</p>	Footpath between points P212, P216, P217 and P218
Borough of Colchester Parish of Marks Tey	Long Green between points P223 and P224	<p>Path not on the definitive map between points P223 and P224</p> <p>Dobbies Lane between points P222 and P223 and between points P224 and P225</p>	Footpath between points P222, P222A, P222B, P225A, P225B and P225, between points P222B and P223A and between points P225A and P225
Parishes of Eight Ash Green, Stanway and Copford	Church 2 between points P232 and P229	<p>Footpath EX“149”29 (Stanway) between points P228, P229, P230 and P232</p> <p>Footpath EX“132”11 (Eight Ash Green) between points P232, P233, P234 and P235</p>	Footpath between points P228 and P231
District of Tendring Parish of Ardleigh	Abbotts between points P267 and P268	<p>Footpath 27 (Ardleigh) between points P265, P266, P267 and P268</p> <p>Footpath 42 (Ardleigh) between points P268 and P273</p>	Footpath between points P265, P269, P270, P266, P271 and P272

Changes to legislation: There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022. (See end of Document for details)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Extent of level crossing to be stopped up and discontinued</i>	<i>(3)</i> <i>Extent of highway to be extinguished</i>	<i>(4)</i> <i>Status and extent of new highway</i>
		Footpath 28 (Ardleigh) between points P268 and P274	Footpath between points P273, P274 and P275
Parish of Wrabness	Wheatsheaf between points P279 and P280	Footpath EX“184”19 (Wrabness) between points P276, P277, P278, P279, and P280 Path not on the definitive map between points P278, P287, P287A and P282	Footpath between points P276, P284 and P285
District of Tendring Parish of Great Bentley	Great Bentley Station between points P314 and P316 and Lords No. 1 between points P322 and P323	Footpath EX“165”8 (Great Bentley) between points P312, P313, P314, P315, P316 and P317 Path not on definitive map between points P313, P320 and P316 Footpath EX“165”12(Great Bentley) between points P321, P322, P323, P324 and P325	Footpath between points P317, P318 and P319
Parish of Frinton and Walton	Bluehouse between points P327 and P328	Footpath EX“164”16 (Frinton and Walton) between points P326, P327, P328, P329, P330 and P331	Footpath between points P326 and P332
Thurrock	No. 131 between points P335 and P336	Footpath 145 (Thurrock) between points P334, P335, P336 and P337 and between points P338 and P341 Path not on definitive map between points P334, P342 and P335 and between points P336, P343 and P337	Footpath between points P339, P340 and P341
London Borough of Havering and County of Essex	Whipps Farmers between points P378 and P379	Footpath EX“272 178 (Havering) and Footpath EX 272”178 (Brentwood) between points P375, P376,	Footpath between points P380 and P381A

Changes to legislation: There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022. (See end of Document for details)

<i>(1)</i> Area	<i>(2)</i> Extent of level crossing to be stopped up and discontinued	<i>(3)</i> Extent of highway to be extinguished	<i>(4)</i> Status and extent of new highway
Borough of Brentwood		P377, P377A and between points P378, P379 and P380 Path not on definitive map between points P377A and P378	and between points P381, P382 and P383
Thurrock	Howells Farm between points P407 and P408	Footpath 23 (Thurrock) between points P406, P407, P408 and P409	Footpath between points P406, P413 and P414
County of Essex Borough of Castle Point	Ferry between points P427 and P428 and Brickyard Farm between points P430 and P431	Footpath EX“BENF”22 (Castle Point) between points P426, P427, P428 and P424 Footpath EX“BENF”12 (Castle Point) between points P429, P430 and P431	Footpath between points P425, P424 and P431

- F1** Words in Sch. 2 Pt. 1 substituted (11.5.2023) by [The Network Rail \(Essex and Others Level Crossing Reduction\) \(Amendment\) Order 2023 \(S.I. 2023/523\)](#), arts. 1, **3(2)(a)**
- F2** Words in Sch. 2 Pt. 1 substituted (11.5.2023) by [The Network Rail \(Essex and Others Level Crossing Reduction\) \(Amendment\) Order 2023 \(S.I. 2023/523\)](#), arts. 1, **3(2)(b)**

PART 2

CLOSURE OF LEVEL CROSSINGS NOT SUBJECT TO OPENING OF NEW HIGHWAY

Commencement Information

- I3** Sch. 2 Pt. 2 in force at 30.6.2022, see [art. 1](#)

<i>(1)</i> Area	<i>(2)</i> Extent of level crossing to be stopped up and discontinued	<i>(3)</i> Extent of public right of way to be extinguished
County of Essex District of Epping Forest	Old Lane between points P011 and P012	Footpath EX“203”13 (Roydon) between points P010, P011, P012 and P013

Changes to legislation: There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022. (See end of Document for details)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Extent of level crossing to be stopped up and discontinued</i>	<i>(3)</i> <i>Extent of public right of way to be extinguished</i>
Parish of Roydon		
City of Chelmsford Parish of Margaretting	Parsonage Lane between points P147 and P148	Parsonage Lane between points P147 and P148 (subject to the use by vehicular traffic by persons authorised by Network Rail)
District of Braintree Parishes of White Notley and Cressing	Cranes No. 2 between points P181 and P182	Footpath EX“120”8 (White Notley) between points P179, P181, P182 and P183 Footpath EX“74”11 (Cressing) between points P183 and P184
London Borough of Havering	Butts Lane between points P367 and P368 Woodhall Crescent between points P372 and P373	Footpath 170 (Havering) between points P366, P367, P368 and P370 Footpath 172 between points P371, P372, P373 and P374
London Borough of Havering and Thurrock	Manor Farm between points P358 and P359	Footpath 251 (Havering) between points P358 and P359 Path not on definitive map between points P358 and P369
County of Essex District of Rochford Parish of Hawkwell	Barbara Close between points P441 and P442	Footpath EX“285”18 (Hawkwell) between points P441, P442 and P443

SCHEDULE 3

Articles 5 and 20

LAND IN WHICH PRIVATE RIGHTS OF ACCESS MAY BE ACQUIRED

Commencement Information

I4 Sch. 3 in force at 30.6.2022, see [art. 1](#)

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Extent of new private right of way</i>	<i>Land having benefit of new right</i>	<i>Purpose for which new private right may be acquired</i>
Between points P375 and P376 on sheet 57	Land cross-hatched on sheet 57	Vehicular access

SCHEDULE 4

Articles 5 and 12

REDESIGNATION OF HIGHWAYS

<p>Commencement Information I5 Sch. 4 in force at 30.6.2022, see art. 1</p>
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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>
<i>Area</i>	<i>Highway</i>	<i>Current designation</i>	<i>Proposed designation</i>
County of Hertfordshire Borough of Broxbourne	Trinity Lane between points R001, R002A and R002	Public Road	Bridleway (subject to use by vehicular traffic by persons authorised by Network Rail)
City of Chelmsford Parish of Boreham	Footpath EX“213”24 (Boreham) between points R006 and P162	Footpath	Bridleway

SCHEDULE 5

Articles 5 and 20

LAND IN WHICH ONLY NEW RIGHTS ETC., MAY BE ACQUIRED

<p>Commencement Information I6 Sch. 5 in force at 30.6.2022, see art. 1</p>
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<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
<i>Area</i>	<i>Number of land shown on the deposited plans</i>	<i>Purpose for which rights may be acquired</i>
County of Hertfordshire District of East Hertfordshire Parish of Sawbridgeworth	04	Access for creation of public right of way

Changes to legislation: There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022. (See end of Document for details)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which rights may be acquired</i>
		Access for removal of Level Crossing Access for construction of the authorised works
Parish of Thorley	01, 02, 04 F3 ...	Access for removal of Level Crossing F4 ...
County of Essex District of Epping Parish of Roydon	11, 12	Access for removal of Level Crossing
District of Harlow	10, 13, 14, 16, 19, 21, 25, 28, 29, 30, 31	Access for maintenance
City of Chelmsford Parish of Margaretting	03, 07A	Access for removal of Level Crossing
Parish of Boreham	01, 02A, 12, 12A	Access for creation of public right of way
		Access for removal of Level Crossing
District of Braintree Parish of White Notley	05	Access for removal of Level Crossing
Parish of Feering	16	Access for removal of Level Crossing
Borough of Colchester Parish of Eight Ash Green	01, 04, 05	Access for removal of Level Crossing
Parish of Stanway	08, 09, 10	Access for removal of Level Crossing
District of Tendring Parish of Ardleigh	01	Access for creation of public right of way Access for removal of Level Crossing
Parish of Great Bentley	06	Access for creation of public right of way

Changes to legislation: There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022. (See end of Document for details)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the deposited plans</i>	<i>(3)</i> <i>Purpose for which rights may be acquired</i>
		Access for removal of Level Crossing
District of Thurrock	86	Access for maintenance
London Borough of Havering	38, 40	Access
County of Essex	25, 26, 27	Access for removal of crossing
Borough of Castle Point	28, 29, 30, 31	Access for removal of crossing and access for maintenance
District of Rochford	02, 08	Access for removal of crossing
Parish of Hawkwell		

F3 Word in Sch. 5 omitted (11.5.2023) by virtue of The Network Rail (Essex and Others Level Crossing Reduction) (Amendment) Order 2023 (S.I. 2023/523), arts. 1, **3(3)(a)**

F4 Word in Sch. 5 omitted (11.5.2023) by virtue of The Network Rail (Essex and Others Level Crossing Reduction) (Amendment) Order 2023 (S.I. 2023/523), arts. 1, **3(3)(b)**

SCHEDULE 6

Articles 5 and 21

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

Commencement Information

I7 Sch. 6 in force at 30.6.2022, see **art. 1**

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>
County of Hertfordshire	01B	Creation of public right of way
Borough of Broxbourne		
District of East Hertfordshire	01, 07, 08, 09, 13, 15	Worksite
Parish of Sawbridgeworth	02	Access for creation of public right of way

Changes to legislation: There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022. (See end of Document for details)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>
	10 14, 16, 18, 20, 23, 25, 26	Access for removal of Level Crossing Footbridge Creation of public right of way Access for construction of the authorised works
Parish of Thorley	03, 17, 20, 22, 23 22A, 24A 08, 09, 16, 24, 25 32	Worksite Footbridge Creation of public right of way
County of Essex District of Epping Parish of Roydon	01, 02, 03, 04, 06, 07, 08, 09, 10	Worksite
District of Harlow	01, 02, 22 04, 05, 18, 21, 23, 24, 37, 38, 39, 40	Worksite Creation of public right of way
District of Uttlesford Parish of Elsenham	15, 16A	Worksite
Parish of Ugley	01, 02, 03 05, 07, 11, 15 09 12, 14 13, 16, 17, 18, 19, 20, 21 10	Access for removal of Level Crossing, access for creation of public right of way Creation of public right of way Access for removal of Level Crossing Footbridge Worksite Worksite and creation of public right of way
Parish of Henham	01 02, 19A, 20, 26A 07, 19 03, 08, 09, 10, 11, 14, 15, 16, 17, 18, 25, 26, 26B	Access for removal of Level Crossing and creation of public right of way Worksite Access for removal of Level Crossing Creation of public right of way

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>
Parish of Widdington	01A, 01B, 04, 06 08	Worksite Worksite and creation of public right of way
Parish of Newport	01, 04, 09 10, 11, 13, 17, 20, 21, 23, 36 22, 28, 29, 35 37	Access for removal of Level Crossing Worksite Creation of public right of way and access for removal of Level Crossing Access for creation of public right of way Access for removal of level crossing
Parish of Wendens Ambo	01, 02	Access for creation of public right of way Access for removal of Level Crossing
City of Chelmsford Parish of Margaretting	01, 02, 07, 08, 09, 11 06	Worksite Creation of public right of way
Parish of Boreham	15, 17 02	Worksite Creation of public right of way
District of Braintree Parish of Cressing	05, 09 08 13, 14, 14A, 15, 16 06, 06A, 07, 11, 12 19	Worksite Worksite and creation of public right of way Access for creation of public right of way and access for removal of Level Crossing Creation of PROW Access for removal of Level Crossing
Parish of White Notley	03 04, 05A	Worksite Access for removal of Level Crossing
Parish of Kelvedon	01, 02, 05, 08, 09	Worksite

Changes to legislation: There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022. (See end of Document for details)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>
	03	Creation of public right of way
Parish of Feering	04, 07 01, 01A, 03, 05, 06, 09, 17, 21, 23, 24, 27 10, 11, 15	Worksite Creation of public right of way Access for removal of Level Crossing
Borough of Colchester Parish of Eight Ash Green	02	Worksite
Parish of Stanway	12, 13, 14, 15, 19	Creation of public right of way
Parish of Copford	07, 08, 09, 10, 11, 12, 14	Creation of public right of way
District of Tendring Parish of Ardleigh	06, 11, 12, 17 09, 10, 14, 19 15, 18	Creation of public right of way Worksite Access for removal of Level Crossing
Parish of Wrabness	01, 02 03 04	Access for creation of public right of way and access for removal of Level Crossing Worksite Creation of public right of way and access for removal of level crossing
Parish of Great Bentley	27, 31, 32 04, 14, 15 13 11	Worksite Creation of public right of way Creation of public right of way Access for removal of Level Crossing Access for creation of public right of way Access for removal of Level Crossing
Parish of Frinton and Walton	01	Creation of public right of way and access for removal of Level Crossing
Borough of Brentwood	01, 02, 09, 10	Creation of public right of way

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on the land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>
	03, 08, 15, 16, 18 11, 12, 13, 19	Worksite Access for removal of Level Crossing
Borough of Castle Point	02, 09 03, 10, 12, 13, 14, 15	Creation of public right of way Worksite
District of Rochford Parish of Hawkwell	01 04, 05, 06, 07	Worksite Worksite Access for removal of Level Crossing
Thurrock	04, 06, 07, 11, 13, 16, 86 12, 22A, 22B, 74A, 76, 77, 83, 87 20, 22, 23, 72, 74, 75, 78, 82, 84	Access for removal of Level Crossing Worksite Creation of public right of way
London Borough of Havering	33, 34, 38, 40 35, 36, 37 20, 26, 30, 36A	Access for removal of Level Crossing Worksite Worksite and access for removal of level crossing

SCHEDULE 7

Article 7

STREETS SUBJECT TO ALTERATION OF LAYOUT

Commencement Information**18** Sch. 7 in force at 30.6.2022, see [art. 1](#)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
Parish of Elsenham	Old Mead Road	Creation of footway

SCHEDULE 8

Article 8

STREETS SUBJECT TO STREET WORKS

<p>Commencement Information I9 Sch. 8 in force at 30.6.2022, see art. 1</p>
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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to street works</i>
County of Essex District of Uttlesford Parish of Newport	Debden Road
Parish of Elsenham	Old Mead Road
Parish of Kelvedon	Sniveller's Lane
County of Essex Borough of Brentwood	Warley Street

SCHEDULE 9

Article 9

STREETS TO BE TEMPORARILY STOPPED UP

<p>Commencement Information I10 Sch. 9 in force at 30.6.2022, see art. 1</p>

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
County of Hertfordshire District of East Hertfordshire Parish of Sawbridgeworth	Footpath 003(Sawbridgeworth) Path not on definitive map	Between points T001, P037, P038 and P039 Between points P037, P041, P039 and P039A
Parish of Thorley	Footpath 007 (Thorley) Path not on definitive map	Between points P058, P059, P060, and P060A Between points P058, P061, P062 and P062A

(1) Area	(2) Street to be stopped up	(3) Extent of temporary stopping up
County of Essex District of Uttlesford Parish of Elsenham	Old Mead Road	Within Order limits
Parishes of Ugley, Henham and Widdington	Footpath EX“55”26 (Widdington)	Between points P106, P099, P100, P101 and P102
Parish of Newport	Footpath EX“41”14 (Newport) Debden Road Footpath EX“41”8 (Newport)	Between points P109, P110, P111 and P112 Within Order limits Between points P126, P127, P128 and P129
Parish of Wendens Ambo	Rookery Lane	Between points T003 and T004
City of Chelmsford Parish of Margaretting	Footpath EX“226”21 (Margaretting)	Between points P150, P151, P152, P152A, P153 and P154
Parish of Boreham	Footpath EX/213/24 (Boreham) Path not on definitive map	Between points P163, P164, P166 and P162 Between points P163, P167 and P165
District of Braintree Parish of Cressing	Footpath EX“74”14 (Cressing) Path not on definitive map	Between points P169 and P170 and between points P171 and P172 Between points P170 and P171
Parish of Kelvedon	Bridleway EX“92”34 (Kelvedon) Sniveller’s Lane	Between points P200, P201, P202 and P203 Within Order limits
Parish of Feering	Footpath EX“78”7 (Feering)	Between points P206, P206A, P207, P208 and P209
	Path not on definitive map Byway Open to All Traffic BOAT EX“78”5 (Feering) Footpath EX“78”3 (Feering) Path not on definitive map	Between points P207 and P208 Within Order limits Between points P212, P213, P214 and P215 Between points P212, P220 and P221
Borough of Colchester	Footpath EX“149”29 (Stanway)	Between points P228, P229, P230 and P232

Changes to legislation: There are currently no known outstanding effects for the The Network Rail (Essex and Others Level Crossing Reduction) Order 2022. (See end of Document for details)

(1) <i>Area</i>	(2) <i>Street to be stopped up</i>	(3) <i>Extent of temporary stopping up</i>
Parishes of Copford and Stanway		
Parishes of Stanway and Eight Ash Green	Footpath EX“132”11 (Eight Ash Green)	Between points P232, P233, P234 and P235
District of Tendring Parish of Ardleigh	Footpath 27 (Ardleigh) Footpath 28 (Ardleigh) Footpath 42 (Ardleigh)	Between points P265, P266, P267 and P268 Between points P268 and P274 Within Order limits
	Footpath EX“184”19 (Wrabness) Path not on the definitive map	Between points T005, P276, P277, P278, P279 and P280 Between points P278, P287, P287A and P282
Parish of Great Bentley	Footpath EX“165”8 (Great Bentley) Path not on definitive map Footpath EX“165”12(Great Bentley)	Between points P312, P313, P314, P315, P316 and P317 Between points P313, P320 and P316 Between points P321, P322, P323, P324 and P325
Parish of Frinton and Walton	Footpath EX“164”16 (Frinton and Walton)	Within Order limits
Thurrock	Footpath 145 (Thurrock) Path not on definitive map Footpath 23 (Thurrock)	Between points P334, P335, P336 and P337 and between points P338 and P341 Between points P334, P342 and P335 and between points P336, P343 and P337 Between points P406, P407, P408 and P409
London Borough of Havering	Footpath 251 (Havering) Path not on the definitive map Footpath EX“272”178	Between points P354, P358, P359 and P360 Between points P358, P365 and P360 Within Order limits
County of Essex Borough of Brentwood	Warley Street Footpath EX“272”178	Within Order limits Within Order limits

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
Borough of Castle Point	Footpath EX“BENF”22 (Castle Point)	Between points P426, P427, P428, P424 and T007
	Footpath EX“BENF”12 (Castle Point)	Between points P429, P430 and P431
	Footpath EX“BENF”31 (Castle Point)	Between points T002 and P429
District of Rochford Parishes of Rochford and Hawkwell	Footpath EX/285/21 (Hawkwell)	Within Order limits

SCHEDULE 10

Article 11

ACCESS TO WORKS

Commencement Information

III Sch. 10 in force at 30.6.2022, see [art. 1](#)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of Access</i>
County of Essex District of Harlow	Improved access off Roydon Road
District of Tendring Parish of Wrabness	Improved access off Wheatsheaf Lane

SCHEDULE 11

Article 32

APPARATUS AND RIGHTS OF STATUTORY UNDERTAKERS ETC.

1.—(1) Sections 271 to 274(1) (power to extinguish rights of statutory undertakers etc. and power of statutory undertakers etc. to remove or re-site apparatus) of the 1990 Act apply in relation to any land acquired or appropriated by Network Rail under this Order subject to the following provisions of this paragraph; and all such other provisions of that Act as apply for the purposes of those provisions (including sections 275 to 278, which contain provisions consequential on the extinguishment of

(1) Sections 272 to 274 were amended by paragraph 103(1) and (2) of Schedule 17 to the Communications Act 2003 (c. 21).

any rights under sections 271 and 272, and sections 279(2) to (4), 280 and 282(2), which provide for the payment of compensation) have effect accordingly.

(2) In the provisions of the 1990 Act, as applied by sub-paragraph (1), references to the appropriate Minister are references to the Secretary of State.

(3) Where any apparatus of public utility undertakers or of a public communications provider is removed in pursuance of a notice or order given or made under section 271, 272 or 273 of the 1990 Act, as applied by sub-paragraph (1), any person who is the owner or occupier of premises to which a supply was given from that apparatus is entitled to recover from Network Rail compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(4) Sub-paragraph (3) does not apply in the case of the removal of a public sewer but where such a sewer is removed in pursuance of such a notice or order as is mentioned in that sub-paragraph, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

is entitled to recover from Network Rail compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(5) The provisions of the 1990 Act mentioned in sub-paragraph (1), as applied by that sub-paragraph, do not have effect in relation to apparatus as respects which paragraph 2, or Part 3 of the 1991 Act, applies.

(6) In this paragraph—

- “public communications provider” has the same meaning as in section 151(1) of the 2003 Act;
- “public utility undertakers” has the same meaning as in the 1980 Act(3), and
- “apparatus” has the same meaning as in Part 3 of the 1991 Act.

Commencement Information

I12 Sch. 11 para. 1 in force at 30.6.2022, see [art. 1](#)

SCHEDULE 12

Article 20

MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASING ENACTMENTS FOR CREATION OF NEW RIGHTS

Compensation enactments

1. The enactments for the time being in force with respect to compensation for the compulsory purchase of land apply, with the necessary modifications as respects compensation, in the case of a compulsory acquisition under this Order of a right by the creation of a new right, as they apply as respects compensation on the compulsory purchase of land and interests in land.

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- (2) Section 279(3) was amended by paragraph 103(1) and (2), and section 280 was amended by paragraph 104, of Schedule 17 to the Communications Act 2003. Sections 280 and 282 were amended by [S.I. 2009/1307](#).
 - (3) The definition of “public utility undertakers” was amended by section 190(3) of, and Part 1 of Schedule 27 to, the Water Act 1989 (c. 15) and section 112(4) of, and Schedule 18 to, the Electricity Act 1989 (c. 29).

Commencement Information

I13 Sch. 12 para. 1 in force at 30.6.2022, see [art. 1](#)

2.—(1) Without limitation on the scope of paragraph 1, the 1961 Act has effect subject to the following modification set out in sub-paragraph (2).

(2) For section 5A(5A) of the 1961 Act (relevant valuation date), substitute—

“(5A) If—

- (a) the acquiring authority enters on land for the purpose of exercising a right in pursuance of a notice of entry under section 11(1) of the 1965 Act (as modified by paragraph 5(5) of Schedule 12 to the Network Rail (Essex and Others Level Crossing Reduction) Order 2022 (“the 2022 Order”);
- (b) the acquiring authority is subsequently required by a determination under paragraph 12 of Schedule 2A to the 1965 Act (as substituted by paragraph 5(8) of Schedule 12 to the 2022 Order to acquire an interest in the land; and
- (c) the acquiring authority enters on and takes possession of that land,

the authority is deemed for the purposes of subsection (3)(a) to have entered on that land when it entered on that land for the purpose of exercising that right.”

Commencement Information

I14 Sch. 12 para. 2 in force at 30.6.2022, see [art. 1](#)

3.—(1) Without limitation on the scope of paragraph 1, the Land Compensation Act 1973(4) has effect subject to the modifications set out in sub-paragraph (2).

(2) In section 44(1) (compensation for injurious affection), as it applies to compensation for injurious affection under section 7 (measure of compensation in case of severance) of the 1965 Act as substituted by paragraph 5(3)—

- (a) for “land is acquired or taken” substitute “a right over land is purchased”; and
- (b) for “acquired or taken from him” substitute “over which the right is exercisable”.

Commencement Information

I15 Sch. 12 para. 3 in force at 30.6.2022, see [art. 1](#)

Application of Part 1 of the 1965 Act

4. Part 1 (compulsory purchase under Acquisition of Land Act 1946) of the 1965 Act, as applied by article 18 (application of Part 1 of the 1965 Act), applies to a compulsory acquisition of rights under article 20(1) (power to acquire new rights)—

- (a) with the modifications specified in paragraph 5, and
- (b) with such other modifications as may be necessary.

(4) 1973 c. 26.

Commencement Information

116 Sch. 12 para. 4 in force at 30.6.2022, see [art. 1](#)

5.—(1) The modifications referred to in paragraph 4(a) are as follows.

(2) References in the 1965 Act to land are, in appropriate contexts, to be read (according to the requirements of the particular context) as referring to, or as including references to—

- (a) the right acquired or to be acquired, or
- (b) the land over which the right is, or is to be, exercisable.

(3) For section 7 (measure of compensation in the case of severance) of the 1965 Act substitute—

“7. In assessing the compensation to be paid by the acquiring authority under this Act, regard shall be had, not only to the extent (if any) to which the value of the land over which the right is acquired is depreciated by the acquisition of the right, but also to the damage (if any) to be sustained by the owner of the land by reason of its severance from other land of the owner, or injuriously affecting that other land by the exercise of the powers conferred by this or the special Act.”.

(4) The following provisions of the 1965 Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land)—

- (a) section 9(4) (failure of owners to convey),
- (b) paragraph 10(3) of Schedule 1 (owners under incapacity),
- (c) paragraph 2(3) of Schedule 2 (absent and untraced owners), and
- (d) paragraphs 2(3) and 7(2) of Schedule 4 (common land),

are modified to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be acquired compulsorily is vested absolutely in the acquiring authority.

(5) Section 11(5) (powers of entry) of the 1965 Act is modified so as to secure that, where the acquiring authority has served notice to treat in respect of any right as well as the notice required by subsection (1) of that section, it has power, exercisable in the same circumstances and subject to the same conditions, to enter for the purpose of exercising that right; and sections 11A(6) (powers of entry: further notices of entry), 11B(7) (counter-notice requiring possession to be taken on a specified date), 12(8) (penalty for unauthorised entry) and 13(9) (refusal to give possession to acquiring authority) of that Act are modified accordingly.

(6) Section 20(10) (tenants at will etc.) of the 1965 Act applies with the modifications necessary to secure that persons with such interests in land as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition

(5) Section 11 was amended by section 34(1) of, and Schedule 4 to, the Acquisition of Land Act 1981 (c. 67), section 3 of, and Part 1 of Schedule 1 to, the Housing (Consequential Provisions) Act 1985 (c. 71), section 14 of, and paragraph 12(1) of Schedule 5 to, the Church of England (Miscellaneous Provisions) Measure 2006 (No. 1), sections 186(2), 187(2) and 188 of, and paragraph 6 of Schedule 14 and paragraph 3 of Schedule 16 to, the Housing and Planning Act 2016 (c. 22) and S.I. 2009/1307.

(6) Section 11A was inserted by section 186(3) of the Housing and Planning Act 2016.

(7) Section 11B was inserted by section 187(3) of the Housing and Planning Act 2016.

(8) Section 12 was amended by section 56(2) of, and Part 1 of Schedule 9 to, the Courts Act 1971 (c. 23) and paragraph 4 of Schedule 16 to the Housing and Planning Act 2016.

(9) Section 13 was amended by sections 62(3), 139(4) to (9) and 146 of, and paragraphs 27 and 28 of Schedule 13 and Part 3 of Schedule 23 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15).

(10) Section 20 was amended by section 70 of, and paragraph 4 of Schedule 15 to, the Planning and Compensation Act 1991 (c. 34) and S.I. 2009/1307.

under this Order of that land, but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.

(7) Section 22 (interests omitted from purchase) of the 1965 Act (as modified by article 18(7)) is modified so as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right acquired, subject to compliance with that section as respects compensation.

(8) For Schedule 2A to the 1965 Act substitute—

“SCHEDULE 2A

COUNTER-NOTICE REQUIRING PURCHASE OF LAND

Introduction

1. This Schedule applies where an acquiring authority serve a notice to treat in respect of a right over a house, building or factory.
2. In this Schedule, “house” includes any park or garden belonging to a house.

Counter-notice requiring purchase of land

3. A person who is able to sell the house, building or factory (“the owner”) may serve a counter-notice requiring the authority to purchase the owner’s interest in the house, building or factory.
4. A counter-notice under paragraph 3 must be served within the period of 28 days beginning with the day on which the notice to treat was served.

Response to counter-notice

5. On receiving a counter-notice, the authority must decide whether to—
 - (a) withdraw the notice to treat,
 - (b) accept the counter-notice, or
 - (c) refer the counter-notice to the Upper Tribunal.
6. The authority must serve notice of its decision on the owner within the period of 3 months beginning with the day on which the counter-notice is served (“the decision period”).
7. If the authority decides to refer the counter-notice to the Upper Tribunal it must do so within the decision period.
8. If the authority does not serve notice of a decision within the decision period it is to be treated as if it had served notice of a decision to withdraw the notice to treat at the end of that period.
9. If the authority serves notice of a decision to accept the counter-notice, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in the house, building or factory.

Determination by Upper Tribunal

10. On a referral under paragraph 7, the Upper Tribunal must determine whether the acquisition of the right would—
 - (a) in the case of a house, building or factory, cause material detriment to the house, building or factory, or

- (b) in the case of a park or garden, seriously affect the amenity or convenience of the house to which the park or garden belongs.

11. In making its determination, the Upper Tribunal must take into account—

- (a) the effect of the acquisition of the right,
- (b) the use to be made of the right proposed to be acquired, and
- (c) if the right is proposed to be acquired for works or other purposes extending to other land, the effect of the whole of the works and the use of the other land.

12. If the Upper Tribunal determines that the acquisition of the right would have either of the consequences described in paragraph 10, it must determine how much of the house, building or factory the authority ought to be required to take.

13. If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the compulsory purchase order and the notice to treat are to have effect as if they included the owner’s interest in that land.

14.—(1) If the Upper Tribunal determines that the authority ought to be required to take some or all of the house, building or factory, the authority may at any time within the period of 6 weeks beginning with the day on which the Upper Tribunal makes its determination withdraw the notice to treat in relation to that land.

(2) If the acquiring authority withdraws the notice to treat under this paragraph they must pay the person on whom the notice was served compensation for any loss or expense caused by the giving and withdrawal of the notice.

(3) Any dispute as to the compensation is to be determined by the Upper Tribunal.”

Commencement Information

I17 Sch. 12 para. 5 in force at 30.6.2022, see [art. 1](#)

SCHEDULE 13

Article 35

FOR THE PROTECTION OF DRAINAGE
AUTHORITIES AND THE ENVIRONMENT AGENCY

1.—(1) The following provisions of this Schedule apply for the protection of the drainage authority unless otherwise agreed in writing between Network Rail and the drainage authority.

(2) In this Schedule—

“the Agency” means the Environment Agency;

“a category 1 specified work” means so much of any permanent or temporary work or operation authorised by this Order (which includes any dredging and any geotechnical investigations that may be undertaken) consists of—

- (a) erecting any structure (whether temporary or permanent) in, over or under a main river if the work is likely to affect any drainage work which is or includes a main river or the volumetric rate of flow of water in or flowing to or from any main river;
- (b) the carrying out of any work of alteration or repair of any structure (whether temporary or permanent) in, over or under a main river if the work is likely to affect the flow of water in the main river or to affect any drainage work;

- (c) erecting or altering any structure (whether temporary or permanent) designed to contain or divert the floodwaters of any part of a main river; or
- (d) any work or operation that is in, on, under, over or within 16 metres of a drainage work which is or includes a main river or is otherwise likely to affect any such drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;

“a category 2 specified work” means any of the following—

- (a) erecting any mill dam, weir or other like obstruction to the flow of any ordinary watercourse, or raising or otherwise altering any such obstruction;
- (b) erecting a culvert in any ordinary watercourse;
- (c) altering a culvert in a manner that would be likely to affect the flow of any ordinary watercourse; or
- (d) altering, removing or replacing a structure or feature designated by a local drainage authority under Schedule 1 to the Flood and Water Management Act 2010⁽¹¹⁾;

“construction” includes execution, placing, altering, replacing, relaying and removal and “construct” and “constructed” are construed accordingly;

“the drainage authority” means—

- (a) in relation to a category 1 specified work, the Agency;
- (b) in relation to a category 2 specified work, the drainage board concerned within the meaning of section 23 (prohibition on obstructions etc in watercourses) of the Land Drainage Act 1991⁽¹²⁾.

“drainage work” means any watercourse and includes any land which provides or is expected to provide flood storage capacity for any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring;

“the fishery” means any waters containing fish and fish in such waters and the spawn, habitat or food of such fish;

“a main river” and “ordinary watercourse” have the meanings given by respectively the Water Resources Act 1991 and the Land Drainage Act 1991;

“plans” includes sections, drawings, specifications and method statements;

“specified work” means a category 1 specified work or a category 2 specified work.

Commencement Information

I18 Sch. 13 para. 1 in force at 30.6.2022, see [art. 1](#)

2.—(1) Before beginning to construct any specified work, Network Rail must submit to the drainage authority plans of the specified work and such further particulars available to it as the drainage authority may within 28 days of the receipt of the plans reasonably require.

(2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the drainage authority, or determined under paragraph 12.

(3) Any approval of the drainage authority required under this paragraph—

- (a) must not be unreasonably withheld;

⁽¹¹⁾ 2010 c. 29.

⁽¹²⁾ 1991 c. 59.

- (b) is deemed to have been given if it is neither given nor refused within 2 months of the receipt of the plans for approval and, in the case of a refusal, accompanied by a statement of the grounds of refusal; and
 - (c) may be given subject to such reasonable requirements as the drainage authority may make for the protection of any drainage work, fishery, water resources, or for the prevention of flooding or pollution or in the discharge of its environmental duties.
- (4) The drainage authority must use its reasonable endeavours to respond to the submission of any plans before the expiration of the period mentioned in sub-paragraph (3)(b).

Commencement Information

I19 Sch. 13 para. 2 in force at 30.6.2022, see [art. 1](#)

3. Without limitation on the scope of paragraph 2, the requirements which the drainage authority may make under that paragraph include conditions requiring Network Rail at its own expense to construct such protective works, whether temporary or permanent, before or during the construction of the specified works (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary—

- (a) to safeguard any drainage work against damage; or
- (b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased,

by reason of any specified work.

Commencement Information

I20 Sch. 13 para. 3 in force at 30.6.2022, see [art. 1](#)

4.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the drainage authority under paragraph 3, must be constructed—

- (a) without unnecessary delay in accordance with the plans approved or settled under this Schedule; and
- (b) to the reasonable satisfaction of the drainage authority,

and an officer of the drainage authority is entitled to watch and inspect the construction of such works.

(2) Network Rail must give to the drainage authority not less than 14 days' notice in writing of its intention to commence construction of any specified work and notice in writing of its completion not later than 7 days after the date on which it is completed.

(3) If any part of a specified work or any protective work required by the drainage authority is constructed otherwise than in accordance with the requirements of this Schedule, the drainage authority may by notice in writing require Network Rail at Network Rail's own expense to comply with the requirements of this Schedule or (if Network Rail so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the drainage authority reasonably requires.

(4) Subject to sub-paragraph (5) and paragraph 8, if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (3) is served upon Network Rail, it has failed to begin taking steps to comply with the requirements of the notice and subsequently to make

reasonably expeditious progress towards their implementation, the drainage authority may execute the works specified in the notice and any expenditure incurred by it in so doing is recoverable from Network Rail.

(5) In the event of any dispute as to whether sub-paragraph (3) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the drainage authority must not except in an emergency exercise the powers conferred by sub-paragraph (4) until the dispute has been finally determined.

(6) If by reason of construction of the specified work the Agency's access to flood defences or equipment maintained for flood defence purposes is materially obstructed, Network Rail must provide such alternative means of access to allow the Agency to maintain the flood defence or use the equipment no less effectively than before the obstruction.

Commencement Information

I21 Sch. 13 para. 4 in force at 30.6.2022, see [art. 1](#)

5.—(1) Subject to sub-paragraph (5) Network Rail must from the commencement of the construction of the specified works maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by Network Rail for the purposes of or in connection with the specified works, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

(2) If any such drainage work which Network Rail is liable to maintain is not maintained to the reasonable satisfaction of the drainage authority, the drainage authority may by notice in writing require Network Rail to repair and restore the work, or any part of such work, or (if Network Rail so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed), to remove the work and restore the site to its former condition, to such extent and within such limits as the drainage authority reasonably requires.

(3) Subject to sub-paragraph (5) and paragraph 8, if, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under sub-paragraph (2) on Network Rail, Network Rail has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the drainage authority may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from Network Rail.

(4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the drainage authority must not except in a case of an emergency exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined.

(5) This paragraph does not apply to—

- (a) drainage works which are vested in the drainage authority, or which the drainage authority or another person is liable to maintain and is not precluded by the powers of the Order from doing so; and
- (b) any obstruction of a drainage work for the purpose of a work or operation authorised by this Order and carried out in accordance with the provisions of this Schedule.

Commencement Information

I22 Sch. 13 para. 5 in force at 30.6.2022, see [art. 1](#)

6. Subject to paragraph 8, if by reason of the construction of any specified work or of the failure of any such work the efficiency of any drainage work for flood defence purposes is impaired, or that drainage work is otherwise damaged, such impairment or damage must be made good by Network Rail to the reasonable satisfaction of the drainage authority and if Network Rail fails to do so, the drainage authority may make good the same and recover from Network Rail the expense reasonably incurred by it in so doing.

Commencement Information

I23 Sch. 13 para. 6 in force at 30.6.2022, see [art. 1](#)

7.—(1) Network Rail must take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in the fishery during the construction of any specified work.

(2) If by reason of—

- (a) the construction of any specified work; or
- (b) the failure of any such work,

damage to a fishery is caused, or the Agency has reason to expect that such damage may be caused, the drainage authority may serve notice on Network Rail requiring it to take such steps as may be reasonably practicable to make good the damage, or, as the case may be, to protect the fishery against such damage.

(3) Subject to paragraph 8, if within such time as may be reasonably practicable for that purpose after the receipt of written notice from the Agency of any damage or expected damage to a fishery, Network Rail fails to take such steps as are described in sub-paragraph (2), the drainage authority may take those steps and may recover from Network Rail the expense reasonably incurred by it in doing so.

(4) Subject to paragraph 8, in any case where immediate action by the Agency is reasonably required in order to secure that the risk of damage to the fishery is avoided or reduced, the drainage authority may take such steps as are reasonable for the purpose, and may recover from Network Rail the reasonable cost of so doing provided that notice specifying those steps is served on Network Rail as soon as reasonably practicable after the Agency has taken, or commenced to take, the steps specified in the notice.

Commencement Information

I24 Sch. 13 para. 7 in force at 30.6.2022, see [art. 1](#)

8. Nothing in paragraphs 4(4), 5(3), 6, 7(3) and (4) authorises the drainage authority to execute works on or affecting an operational railway forming part of Network Rail's network without the prior consent in writing of Network Rail such consent not to be unreasonably withheld or delayed.

Commencement Information

I25 Sch. 13 para. 8 in force at 30.6.2022, see [art. 1](#)

9. Network Rail must indemnify the drainage authority in respect of all costs, charges and expenses which the drainage authority may reasonably incur or have to pay or which it may sustain—

- (a) in the examination or approval of plans under this Schedule; and
- (b) in the inspection of the construction of the specified works or any protective works required by the drainage authority under this Schedule.

Commencement Information

I26 Sch. 13 para. 9 in force at 30.6.2022, see [art. 1](#)

10.—(1) Without affecting the other provisions of this Schedule, Network Rail must indemnify the drainage authority from all claims, demands, proceedings, costs, charges, penalties, damages, expenses and losses, which may be made or taken against, recovered from, or incurred by, the drainage authority by reason of—

- (a) any damage to any drainage work so as to impair its efficiency for the purposes of flood defence;
- (b) any damage to the fishery;
- (c) any raising or lowering of the water table in land adjoining the authorised development or any sewers, drains and watercourses;
- (d) any flooding or increased flooding of any such lands; or
- (e) inadequate water quality in any watercourse or other surface waters or in any groundwater,

which is caused by the construction of any of the specified works or any act or omission of Network Rail, its contractors, agents or employees whilst engaged upon the work.

(2) The drainage authority must give to Network Rail reasonable notice of any such claim or demand and no settlement or compromise may be made without the agreement of Network Rail which agreement must not be unreasonably withheld or delayed.

Commencement Information

I27 Sch. 13 para. 10 in force at 30.6.2022, see [art. 1](#)

11. The fact that any work or thing has been executed or done by Network Rail in accordance with plans approved by the drainage authority, or to the drainage authority's satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve Network Rail from any liability under the provisions of this Schedule.

Commencement Information

I28 Sch. 13 para. 11 in force at 30.6.2022, see [art. 1](#)

12. Any dispute arising between Network Rail and the drainage authority under this Schedule, if the parties agree, is to be determined by arbitration under article 37 (arbitration), but otherwise is to be determined by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport acting jointly on a reference to them by Network Rail or the drainage authority, after notice in writing by one to the other.

Commencement Information

I29 Sch. 13 para. 12 in force at 30.6.2022, see [art. 1](#)

Changes to legislation:

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