
STATUTORY INSTRUMENTS

2020 No. 1485

**The Network Rail (Cambridgeshire
Level Crossing Reduction) Order 2020**

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Network Rail (Cambridgeshire Level Crossing Reduction) Order 2020 and comes into force on 31st December 2020.

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);

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

“authorised user” means any person to whom Network Rail grants a permit on written request to use any crossing referred to in this Order for such purposes or to access such land as may be specified in the permit on such terms and conditions as Network Rail may reasonably specify;

“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;

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

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1980 c. 66.
(4) 1918 c. 66.
(5) 1984 c. 27.
(6) 1990 c. 8.
(7) 1991 c. 22.

“byway open to all traffic” has the same meaning as in the Wildlife and Countryside Act 1981⁽⁸⁾;

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

“cycle track” has the same meaning as in section 329(1) (further provisions as to interpretation) of the 1980 Act⁽⁹⁾;

“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 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) (meaning of electronic communications networks and services) of the Communications Act 2003⁽¹⁰⁾;

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

“footway” has 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;

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

“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⁽¹¹⁾;

“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 Communications Act 2003;

“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;

“the tribunal” means the Lands Chamber of the Upper Tribunal; and

⁽⁸⁾ 1981 c. 69.

⁽⁹⁾ The definition of “cycle track” (in section 329(1)) 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).

⁽¹⁰⁾ 2003 c. 21. Section 32(1) was amended by S.I. 2011/1210.

⁽¹¹⁾ 1981 c. 67. The definition of “owner” was amended by paragraph 9 of Schedule 15 to the Planning and Compensation Act 1991 (c. 34). There are other amendments to section 7 which are not relevant to the Order.

“the undertaking” means the railway undertaking of Network Rail as existing from time to time.

(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 a point 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 shown on the deposited plans.

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 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(12) (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 10 (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(13) referred to in paragraph (2) are—
- section 59(14) (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); and
 - 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 11 (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, to be taken to be a street authority in relation to that street for the purposes of Part 3 of that Act; or

(12) 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 New Roads and Street Works Act 1991 (c. 22).

(13) Sections 54, 55, 57, 60, 68 and 69 were amended by section 40(1) and (2) of, and Schedule 1 to, the Traffic Management Act 2004 (c. 18).

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

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

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⁽¹⁵⁾ 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⁽¹⁶⁾;
- (c) the provisions of any byelaws made under, or having effect as if made under, section 66 (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⁽¹⁷⁾ in so far as it relates to temporary occupation of land under articles 23 (temporary use of land for construction of works) and 24 (temporary use of land for maintenance of works).

(2) The following provisions are repealed or revoked on completion of the relevant authorised works—

- (a) Section 23 of the Lynn and Ely Railway Act 1845⁽¹⁸⁾;
- (b) The British Railways Board (Cambridge and Newmarket Railway) (Westley Road Level Crossing) Order 1964;
- (c) The British Railway Board (Cambridge and Newmarket Railway) (Westley Road Level Crossing) (Amendment) Order 1976; and
- (d) The British Railways Board (Cambridge and Newmarket Railway) (Westley Road Level Crossing) (Amendment No. 2) Order 1983.

⁽¹⁵⁾ S.I. 2016/1154.

⁽¹⁶⁾ 1991 c. 59.

⁽¹⁷⁾ 2017 c. 20.

⁽¹⁸⁾ 1845 c. lv. Copies of the Orders referred to in sub-paragraphs (b) to (d) may be obtained from Network Rail National Records Centre, Unit 5, Audax Road, Clifton Moor, York YO30 4US.