

B

Department for
Transport

Benefits Team
Department for Transport (Rail)
Great Minster House
76 Marsham Street
London SW1P 4DR

Direct Line:
Fax:

Network Rail
Square One
4 Travis Street
Manchester
M1 2NF

Web Site: www.dft.gov.uk
Your Ref: OPS/794-2009/FN
Our Ref: RFTP/B/018/003/0019

23 December 2009

**EXERCISE OF POWERS UNDER SECTION 14 OF THE RAILWAY REGULATION ACT
1842 BY NETWORK RAIL: EMERGENCY ACCESS AT**

Dear Mr

1. The Secretary of State has authorised the use of powers by Network Rail under section 14 of the Railway Regulation Act 1842 ("section 14") to take entry to land adjacent to the railway just north of the t on the line at (around milepost 275) to undertake works to stabilise the embankment.
2. The authorisation relates only to the land shown edged red on the attached plan (Annex A), being land owned and occupied by Messrs
3. Under section 14, the Secretary of State may authorise Network Rail to access land adjoining its railway in order to carry out necessary works to repair accidental damage or to prevent an accident. Such works must cause as little injury to adjoining lands as possible, and must be executed as quickly as possible. Network Rail must at all times ensure that it does not act outside these powers. Full compensation must be paid to Messrs loss, injury or inconvenience that they sustain as a result of Network Rail's works (and if there is a dispute about compensation, such a dispute is to be settled by the Lands Tribunal). Section 14 does not permit NR to permanently take any land.
4. This decision has been made having considered the evidence submitted by Network Rail and the views of the Office of Rail Regulation (ORR) which in summary are as follows:
 - 4.1. Network Rail took emergency access to the land on 27 November 2009 under section 14 to enable works to be undertaken to stabilise the embankment which had shown signs of movement following exceptional rainfall over the weekend of 19 November to 22 November.
 - 4.2. The ORR advised it is content that NR was justified to have accessed the above land under section 14 to carry out the emergency works and to continue working on

the land as required in order to stabilise the embankment and to ensure the operational safety of the railway and the public.

5. The granting of powers under section 14 shall not inhibit Network Rail from endeavouring to agree terms for access to the land and compensation for the same through negotiation.
6. Please contact
should you wish to discuss this matter further.
7. A copy of this letter is being sent to r (the agent for Messrs
 i).

Yours sincerely

Notice

NOTICE TO ENTER LAND

To (Adjoining Owner):

Name: Mssrs
(Trading as)

Address:

cc (Owner's Agent/advisor):

From:

Name: **Network Rail Infrastructure Limited**

Address: Square One, 4 Travis Street, Manchester, M1 2NY

Registered Office: Network Rail, Kings Place, York Way, London N1 9AG

Notice:

Under Section 14 of the Railway Regulation Act 1842

As Owner and Occupier of the land and premises adjacent to the landslide affecting the railway at

NETWORK RAIL HEREBY GIVE YOU NOTICE THAT

Network Rail intend to undertake immediate works of a critical nature at the length of railway in the vicinity of the mile post.

Network Rail has authorised Birse Rail and Stobarts Contractors to carry out the works on the affected land, which may include land within your ownership or occupance. This authority will also be inclusive of taking direct access over your land, where required, to the area of works with vehicles, plant and machinery.

Included in the powers is the right for Network Rail (and their contractors) to temporarily occupy areas of your land ("the land") and to place and leave on or in the land apparatus for use in connection with the works and the right to remove the apparatus.

The power to undertake works may include the power to undertake surveys and bore holing on and in the land for the purpose of ascertaining the nature of the subsoil and the railway embankment.

It is intended to commence the work on or about **27th November 2009**

(for and on behalf of Network Rail)

Issuing Officer

Signed:

Date:

(address) Square One, 4 Travis Street, Manchester, M1 2NY

Notes to the recipient: This Notice is hereby given in a positive attempt to clarify the process under the Railway Regulation Act 1842 and to assist a landowner in understanding Network Rail's requirements. The Act places no duty upon Network Rail to serve a formal certificate of Notice to enter lands. Similarly, there is no requirement to provide a detailed plan delineating the proposed access route or land required as compound area for plant and equipment. The Act also places no requirement upon Network Rail to identify all affected land owners or to duly inform them of Network Rail's intention to take access by virtue of Section 14. Once access has been taken the Act gives no formal Appeals procedure for a landowner to make an objection. However, within 48 hours of taking access, Network Rail must report the exercise of the powers to the Department for Transport. The powers will only cease if the DfT are not satisfied that there is a need for the necessary works to be carried out.



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Scale	1:2500
Sheet No.	1 of 1
Date	30 Nov 2009
Prepared By	
Plan No.	28249

Mapping Services Commercial
1st Floor, Square One
4 Travis Street
MANCHESTER M1 2WJ
mapping@networkrail.co.uk



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