

**TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES
PROCEDURE) RULES 2004**

**THE NETWORK RAIL
(ESSEX AND OTHERS
LEVEL CROSSING REDUCTION)
ORDER
NIGEL BILLINGLSEY**

**REBUTTAL OF
PROOF OF EVIDENCE
-OF-
LOUISE STAPLES (for D&V ROBERTS)**

I have reviewed the proof of evidence submitted by Louise Staples in relation to crossing E47, this being in the form of a proof of evidence on behalf of D & V Roberts dated 20th September 2017. I have the following comments on the evidence as presented:

1. RIGHTS TO BE ACQUIRED

- 1.1 In paragraph 2.8 of her evidence Ms Staples queries the rights being sought under the TWAO, I can confirm the Network Rail do not seek to purchase land from her clients. The rights sought are set out in schedule 7 of the TWAO 'land of which temporary possession may be taken' and more particularly the purpose for which the land is to be taken is the creation of public right of way and access for removal of Level Crossing

2. IMPACT ON AGRICUTURAL HOLDING

- 2.1 In paragraph 2.7 of her evidence Ms Staples suggests that the replacement footpath will impact the value of the land owned by objectors' land. As I set out in section 4 of my Proof of Evidence (NR/29/1), if this is the case, then this can be considered as part of a claim for compensation in accordance with the provisions set out in the Order. I set out, in paragraph 4.9.6 of my Proof of Evidence, the provisions within the Order relating to compensation for creation of a new right of way on private land.
- 2.2 In Paragraph 2.9 of her evidence Ms Staples raises concerns regarding the impact on livestock of neospora a disease that can be spread to cattle from dog faeces. I understand that there is currently an unfenced, cross-field footpath, passing across the field in which the new public rights of way is proposed to be created (at the field edge), upon which livestock are kept.
- 2.3 Network Rail have had regard to the concerns of the landowners in developing the proposals contained within the Order, and as a result of which Network Rail are proposing to provide a fence along the northern side of the new footpath to reduce the risk of dogs straying onto land beyond the footpath. As this is being provided to address landowner concerns, rather than for the needs of the railway, although Network Rail will install the fencing the long term maintenance cost will sit with the landowners.

3. DECLARATIONS

- 3.1 I hereby declare as follows:
- 3.2 This proof of evidence includes all facts which I regard as being relevant to the professional opinion which I have expressed and I have drawn the inquiry's attention to any matter which would affect the validity of that opinion.
- 3.3 I believe the facts which I have stated in this proof of evidence are true and that the opinions are correct.

A handwritten signature in black ink, reading "Nigel Billingsley". The signature is written in a cursive style with a long, sweeping underline.

Nigel Billingsley

4th October, 2017