

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

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

**NIGEL BILLINGSLEY
REBUTTAL OF
PROOF OF EVIDENCE
-OF-
LOUISE STAPLES (For NFU)**

I have reviewed the Proof of Evidence submitted by Ms Louise Staples on behalf of the NFU dated 20th September 2017. I have the following comments on the evidence as presented:

1. COMMUNICATION

- 1.1 In her evidence Ms Staples sets out a general concern that the consultation process was disrupted by a change in Network Rail's land agents, in particular noting in paragraph 3.10 that progress with Hamer Associates/Gateley Hamer had been undone.
- 1.2 As set out in the Statement of Consultation **(NR/05)** two significant rounds of consultation were undertaken with landowners between April & July 2016 and then in October 2016. As part of the consultation exercise Hamer Associates/Gateley Hamer engaged with affected landowner, and passed information or suggestions received back to Network Rail - and Mott McDonald - to inform the development of the Order proposals..
- 1.3 Details of the evolution of the Scheme are set out in the proofs of evidence of Susan Tilbrook (NR 32-1) and Andrew Kenning (NR 30-1).
- 1.4 Bruton Knowles was appointed in November 2016, by which stage the Scheme design was close to being finalised, having been through two rounds of public consultation, engagement with landowners and with other stakeholders (see paragraphs 3.50 – 3.55 of Andrew Kenning's Proof of Evidence (NR30/1). Our role, when appointed, was therefore somewhat different to that of Hamer Associates/Gateley Hamer, being primarily to ensure that affected landowners were aware of what was being proposed, to give them an opportunity to discuss the proposals, and to advise them where they could view the current design.
- 1.5 I note that the proof of evidence of Ms Staples raises concerns as to the lack of engaged with the NFU following Bruton Knowles appointment. Whilst the NFU is clearly an important stakeholder, I would emphasise that certainly by the time of Bruton Knowles' appointment, our key priority, and focus, was to communicate with landowners who were affected by the Scheme, which I address at paragraphs 5.13 – 5.16 of my Proof of Evidence

2.0 IMPACT ON AGRICULTURAL BUSINESS

- 2.1 Section 5.10 of Ms Staples evidence indicates that the fact of introducing a footpath across land that has been within a countryside stewardship scheme will impact on the economics of the farm holding.
- 2.2 Should there be costs associated with the reorganisation of the farm holding the costs may be recoverable subject to the submission of a claim demonstrating the loss.
- 2.3 Similarly, another of the other concerns raised in sections 4 and 4 of the submissions – relating to the impact on the agricultural holding and land value – are also matters than can properly be dealt with through the compensation provisions contained within the draft Order.

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 that facts which I have stated in this proof of evidence are true and that the opinions are correct.

A handwritten signature in black ink, appearing to read 'Nigel Billingsley', written in a cursive style.

Nigel Billingsley

4th October, 2017