

TRANSPORT AND WORKS ACT 1992

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

**THE NETWORK RAIL
(SUFFOLK
LEVEL CROSSING REDUCTION)
ORDER**

ANDREW KENNING

**REBUTTAL
PROOF OF EVIDENCE**

-OF-

NATIONAL FARMERS UNION

Document Reference	NR/30/4/2
--------------------	-----------

I have reviewed Proofs of Evidence submitted on behalf of the NFU in support of its objection to the Order (Obj/32). I have the following comments on the evidence as presented:

1. At paragraph 5.16 of her Proof, Ms Staples states;

'Network Rail land: There are a number of instances where there is potential for the right of way to be retained on Network Rail land rather than displaced onto our members' land. We note that in response to these suggestions, Network Rail has stated this would not be possible due to the 'topography' of the land, and not undertaken of safety concerns or a lack of width. In these circumstances, ground works should be taken to enable the right of way to run on Network Rail land, thus having a far smaller impact on productive agricultural land whilst retaining the right of way network.'

2. As I have explained in my proof of evidence when considering crossings for inclusion in the draft Order, we were looking at crossings which could be diverted to another crossing point without the need for extensive or high-cost works to be undertaken. It is not in the spirit of the project to undertake extensive ground works as part of the project. In a great number of instances where it has been suggested that Network Rail land should have been used for the proposed diversion route (as opposed to third party land) it would have involved the provision of retaining walls to allow the embankment to be cut away to provide a level surface for the diversion. There is also a need for Network Rail to be able to maintain the embankment earthworks. To enable this Network Rail requires a minimum of 1metre of flat ground at the top / bottom of any earthwork to enable a flat surface for any worker to inspect the earthwork.
3. In other instances on level ground there is insufficient width to allow safe passage of trains and any railway workers and their tools / machinery. This is due to there being a minimum distance requirement (2metres) between tools / machinery and passing trains, and so it is preferable for Network Rail to have a 3m area from the running rail to any boundary fence. It is for this reason that we do not feel it appropriate to allow members of the public closer than 3metres to the nearest running rail (with the exception of level crossings and station platforms).

Witness declaration

I hereby declare as follows:

- (i) This proof of evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion.
- (ii) I believe the facts that I have stated in this proof of evidence are true and that the opinions expressed are correct.
- (iii) I understand my duty to the Inquiry to help it with matters within my expertise and I have complied with that duty.