

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**

-FOR-

S03 BUXTON WOOD

Document Reference	NR/30/4/5
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I have reviewed Proofs of Evidence submitted in support of the objections made to the proposals for S03 Buxton Wood. I have the following comments on the evidence as presented:

Proof of Evidence of Sarah Caldwell (Obj/60/W1/1) on behalf of David Caldwell (Obj/60)

1. At paragraph 18 of her Proof of Evidence, Ms Caldwell states:-

'Page 4 of the 12 Jan letter dismisses our occasional shooting, and the potential for this to be developed on the land, as NR is unable to find a current planning permission. We invite NR to explain why it thinks any planning permission is required for our current activities?'

2. Network Rail does not dismiss the current "occasional" shooting activities on the objector's land. There was no information on these activities in the original letter of objection to the Order dated 4 May 2017, however, it appeared at paragraph 25 of the objector's Statement of Case, which stated "Eleven Acres is currently used for occasional shooting and there is the potential to extend this as a business operation. However, current and future shooting would be precluded by the creation of the Red Route, for public safety reasons." There is no detail in paragraph 25 of the Statement of Case on the nature or extent of the shooting activities undertaken on the land. It is my understanding that planning permission would be required for a change of use of the land to shooting ground for the use of shotguns, for example for clay pigeon shooting, if the activities extend beyond the period of 28 days in total in any calendar year, which would be allowed under permitted development rights.

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.