

**TRANSPORT AND WORKS ACT 1992**

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

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

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**ANDREW KENNING**

**REBUTTAL  
PROOF OF EVIDENCE**

**-FOR-**

**S12 GOODERHAMS  
S13 FORDS GREEN  
S69 BACTON**

Document Reference	NR/30/4/6
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**I have reviewed Proofs of Evidence submitted in support of the objections made to the proposals for S12 Gooderhams, S13 Ford Green, and S69 Bacton. I have the following comments on the evidence as presented:**

Proof of Evidence of Barry Hall submitted on behalf of Sussex Local Access Forum (Obj/23)

1. At page 3 of his Proof, Mr Hall states, regarding S12 Gooderhams;-

“The possibility that the existing stiles should be replaced by kissing gates at the Cow Creek crossing should be considered given that Fords Green and Bacton are also being closed, which could lead to greater use of that crossing.’

2. Network Rail does not consider any that increase in use of the Cow Creek Crossing resulting from the closures proposed in the Order would require, or justify, the fitting of kissing gates at Cow Creek. All the level crossings that are being closed and diverted to Cow Creek are accessed by stile, which is also the position at Cow Creek. I do not consider there is any need to alter the current arrangements at Cow Creek.

Proof of Evidence of Paul Baker on behalf of Messrs E. Hudson Baker, Mabel Anne Baker and Paul Edmund Baker (Obj/26)

3. Mr Paul Baker states in his proof of evidence at paragraph 3.12

*“Delays in the distribution of other Objector statements of case. [sic] (13<sup>th</sup> December 2017 to us) has prevented the compilation of Evidence in Common...”*

4. The obligation on Network Rail, in respect of Statements of Case of objectors, is to place them on deposit with its Statement of Case and Core Documents. This was done on 25 July 2017, with some late Statements of Case added on 25 October 2017. The details of the deposit locations are set out in Appendix B of Network Rail’s Statement of Case (NR26). Network Rail is not obliged to serve copies of objectors’ Statements of Case on all other objectors.
5. I understand that Mr Baker stated at the Pre-Inquiry Meeting (PIM) on 1 November 2017 that he had not received a copy of Network Rail’s Statement of Case. I understand that he confirmed verbally to the Network Rail team after the PIM closed that he had in fact seen the Network Rail Statement of Case which had been served in respect of Obj/26 on his mother-in-law at a different address. Network Rail served a further copy of its Statement of Case directed to Mr Baker at his address on 7 November 2017. I am unclear, therefore, why Mr Baker has stated that there had been a delay in distribution of the objector Statement of Case such that he was unable to access them until 13 December.
6. .At page 6 of his Proof (section 7.0), Mr Baker states, under the heading ‘Common ground proposal for S69 Bacton & S13 Fords Green’;-

*7.2 All Objecting parties appear to be uncomfortable with the proposals and alternatives considering the proposed closure of Crossing S69 Bacton. I suggest this crossing is retained unchanged until larger budget safer alternatives are available as defined in later Phases of the Anglia Level Crossing reduction Strategy NR18.*

*7.3 Leaving S69 Rights intact significantly reduces the need to create diversions and modifications to the existing rights of way network to mitigate the closure of S13 Fords Green that appear to be the main common cause of objection and significant potential cost to Network Rail.*

7. Network Rail does not agree that S69 should be removed from the project. As I explain in my Proof (NR30/1), there are 4 level crossings in close proximity in this area (S12, S13, Cow Creek and S69), and Network Rail considers that its current proposals, to close S12, S13 and

S69, and to divert users to Cow Creek is the appropriate solution for rationalising level crossings in this area. Mr Baker appears to suggest that Network Rail should remove S69 from the draft Order and delay its closure until such time the budget for a larger infrastructure solutions is available. This approach would not be consistent with Network's Rail's strategy, set out in the CRD (NR18), and I do not consider that providing new infrastructure to replace crossing S69 would be justified, not least given the close proximity of the rail underbridge at Pound Hill, as an alternative point for crossing the railway, and in light of Network Rail's obligations under Managing Public Money. Susan Tilbrook explains in her rebuttal proof of evidence for S12, S13 and S69 (NR/32/4/5) why removing S69 from the Order would not remove the need to provide the new rights of way associated with S13 which Mr Baker is concerned about.

### **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.