

TRANSPORT AND WORKS ACT 1992
TRANSPORT AND WORKS (INQUIRIES PROCEDURE)
RULES 2004
THE NETWORK RAIL
(SUFFOLK LEVEL CROSSING REDUCTION)
ORDER

NIGEL BILLINGSLEY
REBUTTAL OF
PROOF OF EVIDENCE
-OF-
NATIONAL FARMERS UNION

Document Reference	NR/29/4/1
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I have reviewed the Proof of Evidence submitted by Ms Louise Staples on behalf of the NFU (OBJ/32) dated 12th January 2018. I have the following comments on the evidence as presented:

1. COMMUNICATION

- 1.1 In her evidence at paragraph 3.10 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 held in April to July/August 2016 and again in August/September to November 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.
- 1.4 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 3.48-3.51 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 At paragraph 3.13 of her proof of evidence Ms Staples raises concerns as to the lack of engagement with the NFU following Bruton Knowles appointment. Whilst the NFU is clearly an important stakeholder, I would emphasise that 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 in more detail at paragraphs 5.14 – 5.18 of my proof of evidence. The application for the Suffolk TWAO was made on 24th March 2017 hence the proposed meetings in late February 2017 would have been too late to allow changes in the scheme to be approved and the application amended.

2.0 IMPACT ON AGRICULTURAL BUSINESS

- 2.1 Paragraph 5.14 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, depending on the nature of the rights taken or powers exercised over the land, and subject to the submission of a claim demonstrating the loss.

3.0 Public Rights of Way

- 3.1 In section 5 of her proof Ms Staples makes a number of assertions which I comment on below.
- 3.2 In paragraphs 5.9 to 5.11 Ms Staples suggest that public footpaths should not be located in close proximity to poultry sheds. I have reviewed the scheme plans with regard to the four crossings mentioned in her proof and cannot see that the scheme promotes the creation of public footpath near to a poultry shed, indeed I am not aware that the scheme promotes a path close to a poultry shed at all.
- 3.3 In paragraph 5.15 Ms Staples suggests that Network Rail has not made clear whether it wants to compulsorily purchase the interest over land or purchase a strip of land. The rights sought are clearly set out in the TWAO, in the notices served on landowners, and in paragraph 3 of my proof of evidence. Network Rail has not sought to acquire or compulsorily purchase strips of land for use as public footpaths.
- 3.4 In paragraph 5.17 Ms Staples highlights issues around the interaction of the scheme with Internal Drainage Boards (IDBs); I have reviewed the IDB plans and am unable to identify where Network Rail seek a new footpath route that is adjacent to any IDB drain as Ms Staples suggests.

4. DECLARATIONS

- 4.1 I hereby declare as follows:
- 4.2 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.
- 4.3 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".

Nigel Billingsley 30 January 2018