

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

NIGEL BILLINGSLEY
REBUTTAL
PROOF OF EVIDENCE
-FOR-
S29 HAWK END LANE

Document Reference	NR/29/4/2
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I have reviewed OBJ/53 Taylor Wimpey's (TW) proof of evidence submitted in support of the objection made to the proposals for S29 Hawk End Lane. I have the following comments on the evidence as presented:

1. In Taylor Wimpey's proof of evidence at paragraph 3.1, Andrew Wright states that *"TW received no formal notice of the Network Rail (Suffolk Level Crossing Reduction Order) [sic] ('the draft order') as it was not properly served."*
2. I confirm that 3 notices, Notice 186 (temporary use of Plot No. 11), Notice 189 (temporary use of Plot No. 12), and Notice 191 (acquisition of rights over Plot No. 13) were served on Taylor Wimpey UK Ltd on 24 March 2017. A copy of these notices is attached to this rebuttal.
3. Each notice not only sets out the rights or powers sought over each plot of land owned by TW, but also the overall purpose of the Order that NR is seeking powers to close or downgrade a number of level crossings, all of which are listed in the notice.
4. These notices were addressed to the Company Secretary, Taylor Wimpey UK Limited, Gate House, Turnpike Road, High Wycombe, HP12 3NR. Gate House, Turnpike Road, High Wycombe is the registered office of both Taylor Wimpey UK Ltd and Taylor Wimpey Plc.
5. Network Rail sent the notices using the Royal Mail Signed For service. I asked a colleague in Bruton Knowles to check with Royal Mail whether these items were in fact delivered, and Royal Mail for each notice confirmed that Royal Mail "delivered this item on 24/03/07", and that in all three cases the item was signed for on delivery.
6. Therefore, I can confirm that the notices were correctly served on TW, in accordance with the requirements of the Transport and Works (Applications and Objections Procedure) Rules 2006.

7. DECLARATIONS

I hereby declare as follows:

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.

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

The Transport and Works Act 1992

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

Proposed Network Rail (Suffolk Level Crossing Reduction) Order

NOTICE OF APPLICATION TO TEMPORARILY USE LAND

Notice No: 186

To:
The Company Secretary
Taylor Wimpey UK Limited
Gate House
Turnpike Road
High Wycombe
HP12 3NR

Network Rail Infrastructure Limited ("Network Rail") of 1 Eversholt Street, London, NW1 2DN, is applying to the Secretary of State for Transport under section 6 of the Transport and Works Act 1992, for the above-mentioned Order under sections 1 and 5 of that Act.

This Order confers powers on Network Rail to close or downgrade the following level crossings:

County of Suffolk –

In the District of Forest Heath -

- Parish of Newmarket: S22 Weatherby
- Parish of Higham: S23 Higham

In the District of St. Edmundsbury -

- Parish of Barrow: S24 Higham Ground Frame
- Parish of Great Barton: S25 Cattishall

In the District of Mid Suffolk -

- Parish of Thurston: S27 Barrells and S28 Grove Farm
- Parish of Elmswell: S29 Hawk End Lane and S30 Lords No. 29
- Parish of Wetherden: S31 Mutton Hall
- Parish of Bacton: S11 Leggetts, S12 Gooderhams, S13 Fords Green and S69 Bacton
- Parish of Finningham: S16 Gislingham
- Parish of Gislingham: S17 Paynes
- Parish of Mellis: S18 Cowpasture Lane and S21 Abbots
- Parish of Needham Market: S08 Stacpool
- Parish of Barham: S07 Broomfield

In the District of Babergh -

- Parish of Wherstead: S05 Pannington Hall
- Parish of Bentley: S04 Island and S03 Buxton Wood
- Parish of Brantham: S02 Brantham High Bridge and S01 Sea Wall.

In relation to these closures or downgrades the Order authorises the carrying out of works including the removal of the crossings and the diversion or redesignation of the status of certain footpaths, public roads, bridleways, byways open to all traffic and the creation of new rights of way. The Order also authorises the construction of the following specific works in connection with the creation of new public rights of way:

- In the District of St. Edmundsbury, Parish of Barrow: Work No. 1 (footbridge carrying path over a drain/watercourse)
- In the District of Mid Suffolk, Parish of Thurston: Work No. 2 (footbridge carrying path over a drain/watercourse)
- In the District of Mid Suffolk, Parish of Bacton: Work No. 3 (footbridge carrying path over a drain/watercourse)
- In the District of Babergh, Parish of Wherstead: Work No. 4 (footbridge carrying path over a drain/watercourse)
- In the District of Babergh, Parish of Brantham: Works Nos. 5, 6 and 7 (footbridges carrying paths over a drain/watercourse).

The Order also confers powers for the construction and maintenance of works, including the creation of new rights of way; provides for compensation to be paid for any person who suffers loss as a result of the extinguishment of a private right of way; applies the compensation provisions of the Highways Act 1980 to the creation of new rights of way; permits Network Rail to acquire land and interests in land, including the temporary use of land, in connection with the construction of the scheduled and authorised works; authorises the temporary stopping up of streets; works in streets, traffic signs; and related purposes.

The draft Order provides for

- the temporary use of the land described in schedule 1 below, in which it is believed you have an interest.

The Secretary of State has determined that the application is not to be made subject to an environmental impact assessment.

The application contains a statement that a direction for deemed planning permission is being applied for.

A copy of the application and of all plans and other documents submitted may be inspected free of charge from 24 March 2017 to 5 May 2017 (subject to Easter holiday closures) at the following places and times:

Places	Days	Times
Broomhill Library Sherrington Road Ipswich IP1 4HT	Mondays	9:30am - 12.30pm
	Tuesdays to Thursdays	9:30am - 5pm
	Fridays	9:30am - 6:30pm
	Saturdays	10am - 5pm
	Sundays	11am - 4pm
Co-op Supermarket Riverside Avenue East Manningtree Essex CO11 1US	Mondays to Saturdays Sundays	7am - 9pm 10am - 4pm
Capel St. Mary Library Village Hall The Street Capel St Mary IP9 2EP	Mondays	Closed
	Tuesdays	9:30am - 12:30pm & 2pm-5:30pm
	Wednesdays and Thursdays	9:30am - 12:30pm
	Fridays	2pm - 5pm & 5:30pm --7:30pm
	Saturdays	9am - 3pm
	Sundays	10am - 3pm
Chantry Library Hawthorn Drive Ipswich IP2 0QY	Mondays	2pm - 5pm
	Tuesdays	10am - 1pm & 2pm - 6pm
	Wednesdays	10am - 1pm
	Thursdays	10am - 1pm & 2pm - 6pm
	Fridays	10am - 1pm & 2pm - 5pm
	Saturdays	9:30am - 1pm & 2pm -5pm
	Sundays	10am - 4pm

Memorial Library Cooks Road Elmswell IP30 9BX	Mondays	Closed
	Tuesdays	10am - 1pm & 2pm - 7pm
	Wednesdays and Fridays	2pm - 5pm
	Thursdays	10am - 1pm & 2pm - 7pm
	Saturdays	10am - 1pm
	Sundays	10am - 3pm
Lamberts Service Station Ltd Shop Green Bacton Stowmarket IP14 4LG	Mondays to Fridays	8:30am - 5pm
	Saturdays	8:30am - 12:30pm
	Sundays	Closed
Eye Library Buckshorn Lane Eye IP23 7AZ	Mondays	Closed
	Tuesdays	9:30am - 1pm
	Wednesdays	9:30am - 1pm & 2pm - 5:30pm
	Thursdays	2pm - 5:30pm
	Fridays	9:30am - 1pm & 2pm - 7pm
	Saturdays	9:30am - 1pm
	Sundays	10am - 3pm
Needham Market Library School Street Needham Market IP6 8BB	Mondays	Closed
	Tuesdays	10am - 3pm
	Wednesdays	2pm - 5pm & 5:30pm - 7:30pm
	Thursdays	10am - 1pm & 2pm - 5pm
	Fridays	2pm - 5pm
	Saturdays	10am - 5pm
	Sundays	11am - 4pm
Newmarket Library 1a the Guineas Newmarket CB8 8EQ	Mondays	Closed
	Tuesdays	8:30am - 6pm
	Wednesdays	9am - 5pm
	Thursdays	8:30am - 5pm
	Fridays	8:30am - 6:30pm
	Saturdays	9am - 5pm
	Sundays	10am - 4pm
Thurston Library Thurston Community College Thurston Bury St Edmunds IP31 3PB	Mondays	Closed
	Tuesdays	3pm - 7pm
	Wednesdays and Fridays	10am - 1pm
	Thursdays	2pm - 6pm
	Saturdays and Sundays	10am - 3pm
Barrow Post Office Church Rd Bury St Edmunds IP29 5AX	Mondays to Fridays	8:30am - 5pm
	Saturdays	9am - 1pm
	Sundays	Closed

Copies of the documents will also be available online through Network Rail's website at www.networkrail.co.uk/anglialevelcrossings from 24 March 2017. They can also be obtained on request from anglialevelcrossings@networkrail.co.uk or telephone 03457 11 41 41. A reasonable copying charge may apply, up to a maximum of £200 for the full suite of documents and £5 for an electronic copy on CD. Copies of individual documents are also available on request.

Further information about the proposals can be obtained from Network Rail on the above telephone number.

Any objections to, or other representations about, the proposals in the application should be sent to the Secretary of State for Transport c/o Transport and Works Act Orders Unit, Department for Transport, Zone 1/18, Great Minster House, 33 Horseferry Road, London SW1P 4DR, email transportandworksact@dft.gsi.gov.uk

An objection or representation MUST (i) be received by the Secretary of State on or before 5 May 2017, (ii) be made in writing (whether sent by post or email), (iii) state the grounds of the objection or other representation, (iv) indicate who is making the objection or representation, and (v) give an address to which correspondence relating to the objection or representation may be sent. (If you are

sending your objection or other representation by e-mail, please provide a postal address **and state "Network Rail Suffolk Level Crossing Reduction Order" in the subject of the email.)**

Where an objection is made (and not withdrawn) by a person who is an owner, lessee, tenant or occupier of any land which is subject to compulsory purchase in the draft order, and that person so requests in writing, the Secretary of State must hold a public local inquiry or otherwise give that person an opportunity to be heard. However, this rule will not apply where the objection appears to the Secretary of State to be frivolous or trivial, or to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation.

The Secretary of State may make complete copies of the objections and other representations public, including any personal information in them, and will copy them to the applicant for the Order.

Signed: ***Winckworth Sherwood LLP***

On behalf of: Network Rail Infrastructure Limited

Dated: 24 March 2017

Name and Status of signatory Winckworth Sherwood LLP, Solicitors and Parliamentary Agents for the applicant, Minerva House, 5 Montague Close, London, SE1 9BB

Note:

The description of the land in which you have an interest, and the plan or plans attached to this notice, are extracts from the book of reference and the plans submitted with the application and which may be inspected in full at the places mentioned above.

SCHEDULE 1

Description of land and/or buildings affected by the proposed compulsory powers

No. on attached plan	Extent and description of land
Plot No. 11	366.83 square metres of public footpath (W-234/001/0), north of public railway crossing (Hawk End Lane), Elmswell, Suffolk

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (APPLICATIONS
AND OBJECTIONS PROCEDURE) (ENGLAND
AND WALES) RULES 2006

NETWORK RAIL (SUFFOLK LEVEL
CROSSING REDUCTION) ORDER

**NOTICE OF APPLICATION TO TEMPORARILY
USE LAND**

WINCKWORTH SHERWOOD LLP
Minerva House
5 Montague Close
London SE1 9BB

Solicitors and Parliamentary Agents

The Transport and Works Act 1992

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

Proposed Network Rail (Suffolk Level Crossing Reduction) Order

NOTICE OF APPLICATION TO TEMPORARILY USE LAND

Notice No: 189

To:
The Company Secretary
Taylor Wimpey UK Limited
Gate House
Turnpike Road
High Wycombe
HP12 3NR

Network Rail Infrastructure Limited ("Network Rail") of 1 Eversholt Street, London, NW1 2DN, is applying to the Secretary of State for Transport under section 6 of the Transport and Works Act 1992, for the above-mentioned Order under sections 1 and 5 of that Act.

This Order confers powers on Network Rail to close or downgrade the following level crossings:

County of Suffolk –

In the District of Forest Heath -

- Parish of Newmarket: S22 Weatherby
- Parish of Higham: S23 Higham

In the District of St. Edmundsbury -

- Parish of Barrow: S24 Higham Ground Frame
- Parish of Great Barton: S25 Cattishall

In the District of Mid Suffolk -

- Parish of Thurston: S27 Barrells and S28 Grove Farm
- Parish of Elmswell: S29 Hawk End Lane and S30 Lords No. 29
- Parish of Wetherden: S31 Mutton Hall
- Parish of Bacton: S11 Leggetts, S12 Gooderhams, S13 Fords Green and S69 Bacton
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- Parish of Needham Market: S08 Stacpool
- Parish of Barham: S07 Broomfield

In the District of Babergh -

- Parish of Wherstead: S05 Pannington Hall
- Parish of Bentley: S04 Island and S03 Buxton Wood
- Parish of Brantham: S02 Brantham High Bridge and S01 Sea Wall.

In relation to these closures or downgrades the Order authorises the carrying out of works including the removal of the crossings and the diversion or redesignation of the status of certain footpaths, public roads, bridleways, byways open to all traffic and the creation of new rights of way. The Order also authorises the construction of the following specific works in connection with the creation of new public rights of way:

- In the District of St. Edmundsbury, Parish of Barrow: Work No. 1 (footbridge carrying path over a drain/watercourse)
- In the District of Mid Suffolk, Parish of Thurston: Work No. 2 (footbridge carrying path over a drain/watercourse)
- In the District of Mid Suffolk, Parish of Bacton: Work No. 3 (footbridge carrying path over a drain/watercourse)
- In the District of Babergh, Parish of Wherstead: Work No. 4 (footbridge carrying path over a drain/watercourse)
- In the District of Babergh, Parish of Brantham: Works Nos. 5, 6 and 7 (footbridges carrying paths over a drain/watercourse).

The Order also confers powers for the construction and maintenance of works, including the creation of new rights of way; provides for compensation to be paid for any person who suffers loss as a result of the extinguishment of a private right of way; applies the compensation provisions of the Highways Act 1980 to the creation of new rights of way; permits Network Rail to acquire land and interests in land, including the temporary use of land, in connection with the construction of the scheduled and authorised works; authorises the temporary stopping up of streets; works in streets, traffic signs; and related purposes.

The draft Order provides for

- the temporary use of the land described in schedule 1 below, in which it is believed you have an interest.

The Secretary of State has determined that the application is not to be made subject to an environmental impact assessment.

The application contains a statement that a direction for deemed planning permission is being applied for.

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An objection or representation MUST (i) be received by the Secretary of State on or before 5 May 2017, (ii) be made in writing (whether sent by post or email), (iii) state the grounds of the objection or other representation, (iv) indicate who is making the objection or representation, and (v) give an address to which correspondence relating to the objection or representation may be sent. (If you are

sending your objection or other representation by e-mail, please provide a postal address **and state "Network Rail Suffolk Level Crossing Reduction Order" in the subject of the email.)**

Where an objection is made (and not withdrawn) by a person who is an owner, lessee, tenant or occupier of any land which is subject to compulsory purchase in the draft order, and that person so requests in writing, the Secretary of State must hold a public local inquiry or otherwise give that person an opportunity to be heard. However, this rule will not apply where the objection appears to the Secretary of State to be frivolous or trivial, or to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation.

The Secretary of State may make complete copies of the objections and other representations public, including any personal information in them, and will copy them to the applicant for the Order.

Signed: ***Winckworth Sherwood LLP***

On behalf of: Network Rail Infrastructure Limited

Dated: 24 March 2017

Name and Status of signatory Winckworth Sherwood LLP, Solicitors and Parliamentary Agents for the applicant, Minerva House, 5 Montague Close, London, SE1 9BB

Note:

The description of the land in which you have an interest, and the plan or plans attached to this notice, are extracts from the book of reference and the plans submitted with the application and which may be inspected in full at the places mentioned above.

SCHEDULE 1

Description of land and/or buildings affected by the proposed compulsory powers

No. on attached plan	Extent and description of land
Plot No. 12	1384.04 square metres of hardstanding land and shrubbery, north of public railway crossing (Hawk End Lane), Elmswell, Suffolk

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (APPLICATIONS
AND OBJECTIONS PROCEDURE) (ENGLAND
AND WALES) RULES 2006

NETWORK RAIL (SUFFOLK LEVEL
CROSSING REDUCTION) ORDER

**NOTICE OF APPLICATION TO TEMPORARILY
USE LAND**

WINCKWORTH SHERWOOD LLP
Minerva House
5 Montague Close
London SE1 9BB

Solicitors and Parliamentary Agents

The Transport and Works Act 1992

The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

Proposed Network Rail (Suffolk Level Crossing Reduction) Order

NOTICE OF APPLICATION TO ACQUIRE RIGHTS IN LAND COMPULSORILY

Notice No: 191

To:
The Company Secretary
Taylor Wimpey UK Limited
Gate House
Turnpike Road
High Wycombe
HP12 3NR

Network Rail Infrastructure Limited ("Network Rail") of 1 Eversholt Street, London, NW1 2DN, is applying to the Secretary of State for Transport under section 6 of the Transport and Works Act 1992, for the above-mentioned Order under sections 1 and 5 of that Act.

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- Parish of Thurston: S27 Barrells and S28 Grove Farm
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- Parish of Needham Market: S08 Stacpool
- Parish of Barham: S07 Broomfield

In the District of Babergh -

- Parish of Wherstead: S05 Pannington Hall
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The Order also confers powers for the construction and maintenance of works, including the creation of new rights of way; provides for compensation to be paid for any person who suffers loss as a result of the extinguishment of a private right of way; applies the compensation provisions of the Highways Act 1980 to the creation of new rights of way; permits Network Rail to acquire land and interests in land, including the temporary use of land, in connection with the construction of the scheduled and authorised works; authorises the temporary stopping up of streets; works in streets, traffic signs; and related purposes.

The draft Order provides for-

- the compulsory purchase of rights in the land described in schedule 1 below, in which it is believed you have an interest.

The Secretary of State has determined that the application is not to be made subject to an environmental impact assessment.

The application contains a statement that a direction for deemed planning permission is being applied for.

A copy of the application and of all plans and other documents submitted may be inspected free of charge from 24 March 2017 to 5 May 2017 (subject to Easter holiday closures) at the following places and times:

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Thurston Library Thurston Community College Thurston Bury St Edmunds IP31 3PB	Mondays	Closed
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	Wednesdays and Fridays	10am - 1pm
	Thursdays	2pm - 6pm
	Saturdays and Sundays	10am - 3pm
Barrow Post Office Church Rd Bury St Edmunds IP29 5AX	Mondays to Fridays	8:30am - 5pm
	Saturdays	9am - 1pm
	Sundays	Closed

Copies of the documents will also be available online through Network Rail's website at www.networkrail.co.uk/anglialevelcrossings from 24 March 2017. They can also be obtained on request from anglialevelcrossings@networkrail.co.uk or telephone 03457 11 41 41. A reasonable copying charge may apply, up to a maximum of £200 for the full suite of documents and £5 for an electronic copy on CD. Copies of individual documents are also available on request.

Further information about the proposals can be obtained from Network Rail on the above telephone number.

Any objections to, or other representations about, the proposals in the application should be sent to the Secretary of State for Transport c/o Transport and Works Act Orders Unit, Department for Transport, Zone 1/18, Great Minster House, 33 Horseferry Road, London SW1P 4DR, email transportandworksact@dft.gsi.gov.uk

An objection or representation MUST (i) be received by the Secretary of State on or before 5 May 2017, (ii) be made in writing (whether sent by post or email), (iii) state the grounds of the objection or other representation, (iv) indicate who is making the objection or representation, and (v) give an address to which correspondence relating to the objection or representation may be sent. (If you are sending your objection or other representation by e-mail, please provide a postal address **and state "Network Rail Suffolk Level Crossing Reduction Order" in the subject of the email.**)

Where an objection is made (and not withdrawn) by a person who is an owner, lessee, tenant or occupier of any land which is subject to compulsory purchase in the draft order, and that person so requests in writing, the Secretary of State must hold a public local inquiry or otherwise give that person an opportunity to be heard. However, this rule will not apply where the objection appears to the Secretary of State to be frivolous or trivial, or to relate to matters which fall to be determined by a tribunal concerned with the assessment of compensation.

The Secretary of State may make complete copies of the objections and other representations public, including any personal information in them, and will copy them to the applicant for the Order.

Signed: ***Winckworth Sherwood LLP***

On behalf of: Network Rail Infrastructure Limited

Dated: 24 March 2017

Name and Status of signatory Winckworth Sherwood LLP, Solicitors and Parliamentary Agents for the applicant, Minerva House, 5 Montague Close, London, SE1 9BB

Note:

The description of the land in which you have an interest, and the plan or plans attached to this notice, are extracts from the book of reference and the plans submitted with the application and which may be inspected in full at the places mentioned above.

SCHEDULE 1

Description of land and/or buildings affected by the proposed compulsory powers

No. on attached plan	Extent and description of land
Plot No. 13	3458.98 square metres of trees, shrubbery and hardstanding land, north of public railway crossing (Hawk End Lane), Elmswell, Suffolk

TRANSPORT AND WORKS ACT 1992

TRANSPORT AND WORKS (APPLICATIONS
AND OBJECTIONS PROCEDURE) (ENGLAND
AND WALES) RULES 2006

NETWORK RAIL (SUFFOLK LEVEL
CROSSING REDUCTION) ORDER

**NOTICE OF APPLICATION TO ACQUIRE
RIGHTS IN LAND COMPULSORILY**

WINCKWORTH SHERWOOD LLP
Minerva House
5 Montague Close
London SE1 9BB

Solicitors and Parliamentary Agents