

Joanna Vincent

From: Philip Hodson
Sent: 30 April 2018 21:38
To: Joanna Vincent
Cc: Hazel Anderson (handerson@wslaw.co.uk); Izabella Suberlak; Christopher.Mills@networkrail.co.uk; Anna Coopman; Sue Rumfitt; Andrew Woodin; Warwick Hirst Nmt Town Council; Petr Hulbert Nkt Town Council; Michael Smy; Rachel Wood Dr Re network Rail; Sara Noonan West Suffolk County Council Eco Dev
Subject: Re: Suffolk Network Rail Inquiry 1st, 2nd May 2018
Attachments: Cross Examination for 1 2 May 2018 by Philip Hodson OBJ13 Amended 23 04 18.docx

Dear Joanna Vincent,

You will, no doubt, pass this, below, on to the the Inspector.

I thank you for advising me on the sections of my submission which fall within scope to bring up tomorrow. (1 May) or the next day.

I note the comment that there was opportunity to ask some of the questions when the appropriate witnesses were present, but the problem for us, as common community members, is we did not know the material by which to ask at the time. This has become more clear only by attending the inquiry days.

The idea that some of the material I have questioned is "legal" and therefore beyond the scope of the inquiry may be correct for the purposes of the inquiry but remains relevant for the purposes of what may be done with the S22 Crossing, so these questions cannot be set aside - where large sections of a community stand to be inconvenienced.

I read the Inspector's Inquiry Note on 'Whether this Inquiry is an appropriate forum to determine if public rights of way exist over Weatherby level crossing (S22)', dated 27 April 2018. I note the inspector declares that he will proceed to recommend closure based on the grounds of whether the diversionary route may/may not be suitable and convenient.

But, this position makes assumption that the Weatherby Crossing is material for inclusion in the Order to close.

I think that the inclusion of the Weatherby Crossing for closure is much based on the determination by the ALCRM score that Weatherby S22 is a "high risk crossing".

However, I have given clear detail in my submission of 23rd April, (pages 11 to 13) to explain why the ALCRM score is fallacious when compared to, and as demonstrated by, the Historical Accident Data.

In the case of Weatherby, its risk profile is based on false data by ALCRM, "A high risk crossing" is unsupportable by the history of events over the last 150 years at Weatherby.

Therefore, on this basis, I think the Weatherby Crossing is not includable. Whether an alternative route is suitable and convenient is irrelevant.

I propose the Weatherby Crossing be withdrawn and that assurance is sought from the Office of the Minister for Transport that future attempts to alter the function of the Weatherby Crossing will be done in conjunction with, and with the assent of, the community of Newmarket.

I thank you, and that of the Inspector, for your attentions to this matter,

Regards,

Philip Hodson.

On 30 April 2018 at 08:39, Joanna Vincent <joannavincen@personaassociates.co.uk> wrote:

Dear Mr Hodson

I refer to your email dated 23 April 2018 enclosing further submissions, including proposed cross-examination. The Inspector's response is set out below.

As you acknowledge in your email, much of the content of what you propose falls outside the scope of Mr Kenning's evidence and it follows that it would not be appropriate to put the associated questions to him. It appears to me that the elements within scope comprise those related to consultation (section 1 and a related question on page 9). Otherwise the questions relate to: evidence given by other Network Rail witnesses, who you have already had an opportunity to cross-examine and who are not expected to appear again in relation to S22; matters outside the scope of the evidence of the Network Rail witnesses; and/or, legal matters.

I also enclose for your information a copy of the Inspector's Inquiry Note on 'Whether this Inquiry is an appropriate forum to determine if public rights of way exist over Weatherby level crossing (S22)', dated 27 April 2018.

Kind regards

Joanna

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From: Philip Hodson [mailto:

Sent: 23 April 2018 20:53

To: Joanna Vincent <joannavinc@personaassociates.co.uk>

Subject: Suffolk Network Rail Inquiry 1st, 2nd May 2018

Dear Joanna Vincent,

I submit here my intended cross examination of Network Rail for the 1st/2nd May 2018 at Newmarket.

This, I ask to be added to the list of Inquiry documents.

You will see that I have directed my cross-examination entirely at Mr Andrew Kenning, this only because I was informed that Mr Kenning will be present on those days.

However, I think that much of what I bring up will require the attention of other Network Rail witnesses.

Therefore I ask you forward this to the Network Rail for their preparation.

Yours sincerely,

Philip Hodson.