

## **Inspector's Note of Pre - Inquiry Meeting**

**Held on 7 September 2017 at  
The Hilton Cambridge City Hotel, Downing Street, Cambridge CB2 3DT**

### **TRANSPORT AND WORKS ACT SECTION 1 AND 5 THE NETWORK RAIL (CAMBRIDGESHIRE LEVEL CROSSING REDUCTION) ORDER 201X**

REFERENCE: DPI/Z1585/17/11

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#### **Introduction**

1. The Pre-Inquiry Meeting (PIM) was opened at 10:00 by the **Inspector, Heidi Cruickshank**. She is appointed by the Secretary of State for Transport to conduct an inquiry and to make recommendations on the Draft Order. The effect of the Order if made would be to grant to Network Rail Infrastructure Limited powers to close a number of level crossings as a matter ancillary to the operation of a transport system. The works proposed to be undertaken relate to the closure of certain level crossings, closure or re-designation of the status of certain footpaths, bridleways, byways open to all traffic and public roads, and the creation of new rights of way. The Order would permit Network Rail to acquire land and interests in land in connection with the construction of the works authorised by the Order.
2. The purpose of the PIM was to discuss procedural and administrative matters relating to the inquiry due to be opened on **28 November 2017**, at the **Hallmark Hotel Cambridge, Bar Hill, Cambridge CB23 8EU**.

#### **Identification of participants**

3. Network Rail Infrastructure Limited ('Network Rail') was represented, at the PIM by Miss Jaqueline Lean, Counsel, however they will be represented by Richard Turney at the Inquiry. Network Rail proposes to call 6 witnesses at the inquiry.
4. The following parties indicated an intention to speak at the inquiry in objection to the proposed order:

Cambridgeshire County Council ('CCC') (OBJ 12), represented by Mr Robin Carr, Robin Carr Associates, proposes to call up to 14 witnesses at the inquiry.

The Ramblers' Association ('RA') (OBJ 26), represented by Ms Sue Rumfitt. The RA proposes to call a number of witnesses – to be confirmed at a later date.

Mr Roger James (OBJ 45)

The National Farmers Union ('NFU') (OBJ 43), represented by Ms Louise Staples and Mr Martin Rogers on behalf of:  
A P Burlton (Farms) Ltd (OBJ 48)  
Ivan Martin & Son (OBJ 19)

B.L & G.H Taylor (OBJ 16)  
Mr and Mrs Alterton (OBJ 20)  
Messrs M and N White (OBJ 23)  
R.J Dale (OBJ 55)  
Matthew Murfitt (OBJ 36)  
F C Palmer & Sons (OBJ 15, 39, 40, 41 and 42)  
Six Mile Bottom Farms LLP

Robin Clarke, Strutt & Parker on behalf of Brigadier William Hurrell and Henry Hurrell (OBJ 25)

Lorna McShane, Midlevel Commissioners (REP 03)

Janet Lockwood, Harston and Hauxton District Council (REP 02)

Jonathan Stiff, Cheffins on behalf of FC Palmer & Sons and subsidiary companies (OBJ 15)

Emma Alterton on behalf of the Trustees for Alterton & Avison Landowners (OBJ 21)

Shirley Pollard on behalf of Mr J D Fountain and Mr D Fountain (Delavals farm) (OBJ 34) and Mr Jonathan Brown and Mr Robert Brown t/a E C Brown and Sons (OBJ 35)

Simon Clewlow, Clewlow Consulting (OBJ 33) on behalf of numerous individuals, Aquila Investments Limited , RLW Estates Limited and Brian Sander t/a H Sanders and Sons

Paul Seymour (OBJ 37)

5. No other parties present indicated an intention to give evidence to the inquiry.

### **Scope of the inquiry and main issues**

6. The inquiry is into the Draft Order and the cases submitted both in favour and against it. A request has also been made for a Direction granting Deemed Planning Permission subject to conditions for the works which are the subject of the Order. The matters about which the Secretary of State particularly wishes to be informed for the purpose of his consideration of the applications made by Network Rail are set out in the Statement of Matters which was issued on **10 August 2017**. Participants at the inquiry are reminded that evidence given to the inquiry should be relevant and that the inquiry is concerned with whether the Order should be made, should be modified then made or not made.

### **Inquiry procedure**

7. The Inspector has asked Network Rail to produce a 'bundle', prior to the Inquiry, showing their compliance with the Inquiry Rules.

8. The inquiry will be held in accordance with the Transport and Works (Inquiries Procedure) Rules 2004. The inquiry will commence with introductory remarks being made by the Inspector which will then be followed by an opening statement on behalf of Network Rail followed by the evidence in chief of each witness being called on behalf of Network Rail. Those witnesses will then be available for cross examination by each of the opposing parties in turn. The objectors will then present their cases and the evidence in chief of each witness being called. Those witnesses will then be available for cross examination by Network Rail.
9. On the completion of evidence the Inspector will hear closing submissions on behalf of the objectors followed by closing submissions on behalf of Network Rail. Evidence may be heard out of turn at the discretion of the Inspector. It will be helpful to the Inspector if written and electronic copies (in Word format) of opening and closing submissions could be provided; provision will be made within the programme for the preparation of closing statements which will be delivered orally.

### **Inquiry dates and times**

10. The current estimate for the duration of the inquiry is around **20 days**. The inquiry will open on **Tuesday 28 November** and is scheduled to sit over the following four weeks. The Inquiry will sit from 10:00 until around 17:00 on day 1, with an hour long break being taken for lunch, usually around 13:00. In addition there will be short mid-morning and mid-afternoon breaks. From day 2 onwards the inquiry will resume at 09:30 each morning and on a Friday, will adjourn around lunch time to allow for travelling home for the weekend.

If required, the Inspector will be happy to schedule an evening session to accommodate various parties that may have difficulty attending during the day. Notice of such a requirement should be provided as soon as possible to assist programme planning.

### **Inquiry Programme**

11. Mrs Joanna Vincent and Mr Graham Groom of Persona Associates (1<sup>st</sup> Floor, Bailey House, 4-10 Barttelot Road, Horsham, West Sussex RH12 1DQ tel: 01403 217799) are acting as the Programme Officers for the duration of the inquiry. The Programme Officer is the first point of contact for those parties attending and participating in the inquiry and will be responsible for communicating with the parties on the programming of the inquiry. All those wishing to give evidence at the inquiry should contact the Programme Officer and give their best estimate of the time they think will be required to put their evidence to the inquiry.
12. The inquiry will open on 28 November 2017 and the initial days may be taken up with Network Rail setting out its general/strategic case for the Draft Order. This will be followed by the cases for the Ramblers Association, National Farmers Union and then Cambridgeshire County Council.

13. The running order for subsequent weeks will be refined once the Programme Officer has a clearer indication of who wishes to give evidence and engage in cross-examination. Whilst the Programme Officer will do his or her best in terms of the organisation of the inquiry programme, all parties wishing to speak at the inquiry should keep in close contact with the Programme Officer in case of delays or other changes to the programme. If anyone wishes to withdraw their objection to, or support for, the Order or decides that they no longer wish to speak at the inquiry, please let the Programme Officer know so that appropriate adjustments can be made to the programme.
14. The Inspector has carried out a number of pre-inquiry site visits prior to the PIM and will undertake a programme of further visits prior to the inquiry, likely to take place the week commencing 16 October 2017. She will view the crossings and proposed alternative routes from public vantage points. In relation to the query from Mr Clewlow (OBJ/33), the Inspector would appreciate permission to access private land if possible – please contact the Programme Officer.

### **Areas of agreement**

15. Prior to the PIM Network Rail had not been able to secure the withdrawal of most objections but would continue dialogue with individual objectors to seek resolution of the objections and to reduce the number of live issues before the inquiry. If agreement on the matters outstanding could be reached with any of the parties, that would be communicated to the Programme Officer as quickly as possible.

### **Nature, format and dates for the submission of evidence**

16. Proofs of evidence and a summary of that proof of evidence for all parties wishing to provide oral evidence to the inquiry should be submitted to the Programme Officer not later than four weeks before the opening of the inquiry; that is not later than **31 October 2017**. A summary is not required if the proof of evidence is less than 1500 words in length, but where the proof is greater than 1500 words, a summary of that proof shall be submitted and the summary shall be read at the inquiry. Following the submissions made on behalf of the RA, those objector witnesses wishing to provide evidence in objection to more than one crossing should submit a proof of evidence for each crossing subject to the above requirements.
17. In accordance with Rule 16 (4), by the same date, that is **31 October 2017**,  
(a) Network Rail will send a copy of its proof of evidence and summary proof to all statutory objectors and all those parties who have submitted a statement of case and (b) all other parties who submit a proof of evidence and summary proof shall send a copy of that proof and summary to Network Rail. These should be sent to Winckworth Sherwood – [info@wslaw.co.uk](mailto:info@wslaw.co.uk).
18. If, following the exchange of proofs of evidence, it is considered that a rebuttal proof is necessary these should be exchanged not later than one week before the opening date of the inquiry; that is, not later than **21 November 2017**.

19. Proofs of evidence and summary proofs should be submitted in both hard copy and electronic format. Copies of all proofs and summaries will be posted on the inquiry website.
20. Only summaries of the proof of evidence (unless under 1500 words) will be read at the inquiry. Those parties who have submitted a statement of case or letter of objection which is under 1500 words and who wish to use that as their evidence, need do nothing more other than to confirm with the Programme Officer that that is the case.
21. The Inspector agreed with the request that a projector screen is made available to show presentations/photographs that are included in Evidence.
22. The Inspector also requested that sizeable maps are made available in the main inquiry room.

### **Document numbering**

23. The Inspector has already received a significant number of documents all of which are readily identifiable as to their source as they are contained within each party's bundle. For any additional documents which are produced during the course of the inquiry each party should clearly identify those documents with a reference number which is unique to the document and its source.
24. Network Rail's core documents already submitted are identified as NR01 to NR26 and it is expected that NR will continue with that sequential numbering convention. The adoption of a number referencing system for each individual objector will assist with the location of documents during the inquiry.
25. The following document numbering system is suggested – OBJ reference numbers can be provided by the Programme Officer:

OBJ/001 – W1 – 1 – Proof of Evidence  
OBJ/001 – W1 – 2 – Appendix to Proof  
OBJ/001 – W1 – 3 – Summary Proof  
OBJ/001 – W2 – 1 – Proof of Evidence  
OBJ/001 – W2 – 2 – Appendix to Proof  
OBJ/001 – W2 – 3 – Summary Proof

Then, proofs per crossing, if required:

OBJ/001 – C04  
OBJ/001 – C27

26. It would also assist if documents are paginated and separated with dividers – again to assist with the location of particular papers during the course of the inquiry.

### **Other matters**

27. Cambridgeshire County Council asked whether there will be the provision of a transcript service per sitting day on the inquiry, this was seconded by the National Farmers Union. A request for audio recording was also suggested.

The Inspector has taken this away from the Meeting and will make a Ruling prior to 20<sup>th</sup> October.

28. Network Rail asked whether it would be acceptable to provide some evidence in video format for projection at the inquiry. Again, the Inspector has taken this away from the Meeting and will make a Ruling prior to 20<sup>th</sup> October.
29. With reference to the status of some crossings, the Inspector requested that, as the Highways Authority, Cambridgeshire County Council are to provide copies of the relevant parts of the List of Streets and/or Definitive Map and Statement.
30. The Inspector has also requested Network Rail and Cambridgeshire County Council to provide information on any road assessments that have been undertaken regarding redirection to road.
31. Finally, the Inspector asked Network Rail to provide clarification of how private rights are being identified and delivered.
32. The Inspector has noted the suggestion of a joint site visit in one instance and will consider how to deal with such matters prior to the opening of the Inquiry.
33. There being no other matters, the PIM closed at around 12:30.

*Heidi Cruickshank*  
INSPECTOR

25 September 2017