

INSPECTOR'S NOTE IN RESPONSE TO QUESTIONS RAISED BY NETWORK RAIL
BY LETTER DATED 9 AUGUST 2018

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

REFERENCE: DPI/Z1585/17/12

**This note sets out the Inspector's response to the questions raised by
Network Rail prior to the resumption of the inquiry.**

1. The Inspector confirms that once housekeeping and any procedural matters which may be raised have been addressed the inquiry will resume where it left off with Network Rail's two strategic witnesses (Mr Brunnen and Dr Algaard) part way through giving their evidence and being cross-examined by the opposing parties.
2. The Inspector confirms that in view of the changed circumstances of both Mr Brunnen and Dr Algaard their presence will only be required for the first two weeks of the resumed inquiry. The inspector expects and hopes that any questions which opposing parties may have regarding Mr Brunnen's and Dr Algaard's evidence will be raised with them as part of cross-examination. After the first two weeks, should further matters arise during the inquiry which requires comment or clarification by Mr Brunnen or Dr Algaard, the Inspector is of the view that such matters should be dealt with by means of written exchanges. At the end of week two, when the strategic case being put forward by Network Rail is likely to have been completed, and subject to the above proviso, the Inspector considers that Mr Brunnen and Dr Algaard could then be released from the inquiry.
3. Amongst other matters, the Secretary of State wishes to be informed of Network Rail's proposals for funding the scheme. It is noted that the end of Control Period 5 is imminent; the Secretary of State will therefore wish to be informed as to what arrangements are in place for the funding of the scheme during CP5 and through CP6. The Inspector is content for an update of the funding proposals to be submitted in writing to the Programme Officer for exchange not later than 11 September.

Details of any changes on the ground with regard to the crossings at issue or changes to the ALCRM score attached to the crossings should also be submitted in writing to the Programme Officer for exchange by 11 September.

4. The Inspector would expect either Dr Algaard or Mr Brunnen (whoever may be the more appropriate witness) to introduce the updated material as part of their overall evidence to the inquiry prior to cross-examination by Essex County Council. Those parties who have already engaged in cross-

examination of the witnesses' evidence to date will be given the opportunity to cross-examine Dr Algaard or Mr Brunnen (as appropriate) on the new material.

5. The Inspector would prefer to receive copies of correspondence received or sent as it arises which can be then added to the correspondence file which is to be delivered on 14 September. The Inspector expects these documents to be circulated to the parties on the same date.
6. The Inspector wishes to see the amended Book of Reference and compliance folder prior to the inquiry and is content to receive them on 14 September. The Inspector expects these documents to be circulated to the parties on the same date.
7. A statement regarding the measures taken by Network Rail during the adjournment to ensure that the statutory requirements have been carried out would be welcomed. This can take the form of a statement by Counsel which can be delivered prior to Mr Brunnen and Dr Algaard continuing with their evidence.
8. The Inspector would be content to receive information about the history of past incidents at the crossings at issue on 14 September along with the amended Book of Reference and the file of correspondence. The Inspector expects these histories to be circulated to the parties on the same date.
9. The Inspector will be content to take the evidence regarding those crossings to which there are no objections as read, although he may have some questions of clarification to put to the appropriate witness being called by Network Rail. The Inspector is content to deal with these crossings at the end of the evidence relating to the other crossings.

Alan Beckett

Inspector

15 August 2018