

The Network Rail (Essex and Others Level Crossing Reduction) Order

Questions from Network Rail to the Inspector and Programme Officer before the inquiry resumes on 25.9.2018

- 1 Could the Inspector please confirm that he is resuming the inquiry to recommence where it left off (with Network Rail's two strategic witnesses part way through presenting their evidence)?
- 2 The position held by each of those witnesses within Network Rail has changed since September last year. Mark Brunnen is no longer the Head of Level Crossings within the Safety, Technical and Engineering Directorate but is now the Route Asset Manager for Level Crossings, on the London North Western Route. This change in role occurred prior to his giving evidence at the inquiry into the Network Rail (Suffolk Level Crossing Reduction) Order in February, but after settling his Proof of Evidence, and this change in role was clarified in his examination in chief. Dr Eliane Algaard has now handed in her notice and will be leaving Network Rail. She will be unavailable for questioning after 5th October 2018. Both are still willing to continue as witnesses of the matters set out in their evidence, and to complete their evidence, and are authorised by Network Rail to do so. In the circumstances, would the Inspector please confirm that Dr Elgaard and Mr Brunnen would only need to be available for the first two weeks to complete their cross-examination and if any further queries arise relating to their evidence those would be dealt with by a note to the inquiry?
- 3 During the adjournment of the inquiry, there are some matters addressed within the Proofs of Evidence submitted on behalf of Network Rail which have changed. In particular, Network Rail is now moving closer to the end of Control Period 5 and towards Control Period 6, and as such the funding position for the project has been updated. There are also some crossings where there has been a change in the position on the ground or ALCRM score. Network Rail does not propose to submit new or extended supplemental proofs of evidence, but where there has been a factual change, Network Rail would wish to provide an update to its evidence. In the interests of ensuring all parties are aware of any such changes in good time, Network Rail asks whether the Inspector would be willing to direct that any such updates be submitted in writing to the programme officer and exchanged no later than two weeks before the inquiry, ie 11 September. Is the Inspector content with this approach and the proposed date, please?
- 4 In light of question 3 and assuming the answer to question 1 is yes, for those matters where there has been change in circumstances, would the Inspector be willing to allow Network Rail's Counsel to recall Dr Algaard to update changes in her evidence (and also potentially recall Mr Brunnen to confirm the change in his role within Network Rail), prior to cross-examination by the by the County Council, with an option for any further cross-examination by the Ramblers/Colchester BC and any others in respect of the new material only? For the avoidance of doubt, Network Rail would not seek to revisit those matters already covered in evidence (or in cross-examination) save for those matters where there has been a change of circumstances during the adjournment as alluded to in question 3.
- 5 The Inspector has confirmed that he would like to receive the correspondence file by 14 September. Please could you confirm whether any further correspondence received or sent should be given to the Inspector as it arises, or would the Inspector prefer to receive one bundle of final correspondence at the end of the inquiry?

- 6 Please could the Inspector confirm if he wishes to see the amended Book of Reference and compliance folder in advance if the inquiry? If so, will he be content to receive them on 14 September along with the folder of correspondence?
- 7 Please could the Inspector confirm whether, when the inquiry resumes, he expects a statement from Network Rail via counsel about what happened since the inquiry was adjourned (in addition to the note submitted to the Inspector on 22.12.17 and the Inspector's note with regard to resumption of the inquiry dated 25.5.18).
- 8 The Inspector requested on day 3 of last year's inquiry the information about the history of past incidents at level crossings. Network Rail propose to provide this on 14 September. Is the Inspector content with this?
- 9 As regards level crossings in the Order to which there are no objections, is the Inspector content to take the evidence as read and with them not being formally programmed, with an option to pencil in a session at the end of inquiry or at a convenient time, if the inspector has questions in relation to those crossings?

Winckworth Sherwood LLP

9.8.18