

## **Transport and Works Act 1992 (TWA)**

## **Transport and Works (Inquiries Procedure) Rules 2004**

## **Application for the Rother Valley Railway (Bodiam to Robertsbridge Junction) Order**

## **Public Local Inquiry - Department for Transport Reference: TWA/18/APP/02/OBJ/1002**

### **Statement of Case**

**Sally-Ann Hart, Perryfield House, Udimore, Rye, East Sussex, TN31 6AY, District Councillor for Eastern Rother Ward, Rother District Council and Portfolio holder for Tourism, Culture and Public Realm.**

### **Summary Position**

- Negative economic impact on the wider population
- Inadequate economic bases for the Application
- Abuse of Transport and Works Act 1992 legislation
- Investment required on the A21 to improve the road to encourage tourism and other economic growth - not add further impediments by way of a level crossing
- Growth in tourism is vital in our deprived coastal, rural communities - not just about the commercial position of Kent & East Sussex Railway
- Additional pressure on Robertsbridge due to existing parking issues
- Safety of level crossings - the creation of new level crossings on the national network is banned unless unavoidable
- Highways England objects for reasons including safety and economic grounds

1. Rother Valley Railway (the Applicant) has submitted various documentation in its application for the above Order, none of which comprises, nor addresses, adequate economic bases for the Application. RVR's Application focusses on what it perceives as the environmental argument in favour of a new stretch of railway through an area of High Weald AONB.

2. The Applicant commissioned a Local Economic Impact Study from Manchester Metropolitan University in 2007, with an update in October 2013. These reports provide an assessment of the socio-economic impacts of the re-construction of the railway (the Scheme) based on, for example, economic modelling, desk research and field work. These studies concluded that the project will bring economic benefits to the local area of over £2.4 million per annum. We are all aware of the inaccuracies of economic modelling.

2.1 The 2007 Study concluded that restoring the railway link between Robertsbridge and Kent and East Sussex railway (K&ESR) *'presented a rare opportunity for K&ESR to realise the vision of founding members and secure the basis for a more viable future'* - for K&ESR. It does not conclude that the Scheme would have a positive economic impact for the wider area. The principal findings of the updated 2013 Study concludes again, that the extension should *'improve the commercial position of K&ESR'*. More importantly, the 2013 Study acknowledges two main issues; firstly, that increased

visitor numbers will directly benefit RVR/K&ESR and indirectly local visitor attractions, namely Bodiam Castle, *'but not without difficulty if resistance to modal shift (from car to rail/public transport) remains. Without substantial marketing inputs this problem may prove difficult to overcome just as it has done for operators in the commercial transport sector'*. Without a business plan to peruse, we have no idea whether or not marketing, or even the enterprise itself, will find itself falling ultimately on the public purse; secondly, the authors of the Study's final comment that they *'recognise that increased visitor numbers and the introduction of level crossings (especially on the A21 Robertsbridge by-pass) may have negative economic impacts arising from the RVR/K&ESR 'missing link'*.

2.2 A negative economic impact on a proportion of the population may be acceptable if the outcome benefits the majority; compulsory purchase orders were first introduced in government legislation in the nineteenth century for the building of railways. These national infrastructure projects, whilst having a negative impact on some, vastly benefitted the UK and enabled rapid economic growth, leading to prosperity and social change. RVR's use of the Transport and Works Act to compulsorily purchase private land for a heritage steam railway - which is not a national infrastructure project - is an abuse of the spirit of the legislation. If the Application is successful, it will no doubt be beneficial for the economic longevity of K&ESR; however, this desire to improve the commercial position of K&ESR should not be at the expense of economic growth in Hastings and Rother District, impacting on the existing - and future - life chances and livelihoods of thousands of people.

2.3 The 2007 and 2013 Economic Impact Studies were not included in the documentation submitted to the Department of Transport. To date, no documentation has been submitted by the Applicants to support a full economic case for this Application; to explore fully the negative impacts arising from increased visitor numbers and the introduction of level crossings, particularly on the A21.

3. As part of the ongoing improvements to the region's road network, Transport for the South East published The Economic Connectivity Review of the South East (July 2018) (Review). One of the 'economic corridors' that it seeks to identify for investment is the A21 road (and London to Hastings railway line) infrastructure. Transport for the South East's primary aim is to support and grow the economy through identification and prioritisation a programme of integrated strategic transport projects and programmes.

*'Transport connectivity supports economic growth through:*

*improved business connectivity, notably by travel time savings, improving journey time reliability; improved labour market efficiency, enabling firms to access a larger labour supply, and wider employment opportunities for workers and those seeking work. Key to this is the higher capacity and connectivity that transport investment can deliver; enabling development through unlocking sites and locations that were previously poorly connected; providing access to international gateways to increase domestic and international trade by reducing trading costs; and supporting deprived communities by delivering an improvement in accessibility of jobs and skills, increasing the residents of these communities' participation in the labour market.'*

3.1 In respect of journey time, the Review highlights how delay per kilometre can negatively impact on economic growth; a one minute journey time saving on key corridors adds £4.5 million to the economy (Page 2). Analysis has been carried out on highway flows data from the South East Regional Transport Model to identify the annual impact of delay to business and freight users on the strategic corridors of the South East, showing the current and future impact of delay. The business

and freight per annum impact of delay per kilometre on A21/Hastings line is £83,000, forecast to be £279,000 in 2041. Rother Valley Railway's claim that two closures per hour of 51 seconds will not have a negative impact on traffic flows and journey times is therefore tenuous.

3.2 Page 58 to 62 of the Review focusses on how economic corridors support deprived communities and how transport investment can have a positive impact on them. To assess the extent to which corridors support deprived communities, the Local Authority Districts in the top 30% most deprived, served by each corridor, were identified; the A21 serving Districts ranked highly. The A21 corridor serves more than one Local Authority District in the top 30% most deprived and at least one Local Authority District in the top 20% most deprived, highlighting how important investment in transport infrastructure is for Hastings and Rother District to improve access to skills and employment, to improve access for visitors to the area and to minimise the area's isolation from economic hubs and further education facilities.

3.3 The Review highlighted the A21 road and rail corridor; it did not identify a Robertsbridge to Tenterden economic corridor.

<https://transportforthesoutheast.org.uk/wp-content/uploads/2018/07/FINAL-Economic-Connectivity-Review.pdf>[ESCC economic info]

4. UK wide, tourism is now recognised as an important part of the rural economy and has huge potential for growth, particularly in many deprived rural areas, where there is untapped potential to generate tourism-related economic growth and employment. In 2012, the Government brought in a £25 million package of measures to support the promotion and development of rural tourism. This formed part of a wider initiative to maximise tourism's contribution to the economy, employment and to achieve growth in the sector.

4.1 Hastings and rural, coastal Rother District (including parts of Bexhill) are not affluent areas of the South East. On the Government's Index of Multiple Deprivation, the region ranks little above the national average with pockets of deprivation and depends not inconsiderably on tourism for jobs and economic activity. East Sussex County Council's Indices of Deprivation are used to analyse patterns of relative deprivation for small areas and to identify local need. These provide a 'snapshot' of conditions in an area, including income, employment, health, education, crime etc. Pockets of East Sussex, particularly within Eastern Rother Ward, Hastings and Bexhill are in the most deprived 10 - 20% ([eastsussexinfofigures.org.uk](http://eastsussexinfofigures.org.uk)).

4.2 In England, rural tourism provides about £17 billion per year to the economy. In 2015, direct expenditure generated by tourism in Rother District (Rother) was £238.1 million (similar to the level in 2014). Direct expenditure multiplies into £291.6 million worth of income for local businesses (through additional indirect and multiplier effects). This tourism-related expenditure is estimated to have supported 4,871 full time equivalent jobs in Rother. This increases to 6,836 actual jobs once part-time and seasonal employment is added. These jobs are not only in tourism, but in retail, catering and local government. With a population in Rother of around 87,000, where approximately 33,000 are employed - 25,800 employed in Rother (with the balance commuting outside the area) - the proportion of jobs dependent on tourism is substantial. Based on Tourism South East Research Unit, total-tourism related expenditure supported 26.5% of these jobs in Rother in 2015 (2015 - 1066 Tourism Economic Impact Estimates - [www.rother.gov.uk](http://www.rother.gov.uk))

4.3 Rother and Hastings have a huge amount to offer tourists, visitors and locals alike (besides a steam railway). The region has an abundance of natural attractions; found in our

beautiful beaches and glorious countryside for all sorts of outdoor pursuits. We have a wealth of historic towns, buildings and gardens. We have world-renowned art galleries, vineyards and attractions such as The Source skatepark in Hastings, as well as the truly pioneering centre for arts and crafts in Bexhill, the De La Warr Pavilion. To enhance this, Rother District Council works very hard, together with partners including the De La Warr, Hastings Borough Council, local businesses and community groups, to be innovative in boosting the tourist, arts and culture offer, and thereby the local economy.

4.4 The success of all this hard work depends on visitors coming to our region. It is widely accepted that rural tourism is challenged by infrastructure, specifically transport and connections (and restrictions to broadband access). A major upgrade to the A21 north of Tunbridge Wells was recently completed. This was embarked upon because for decades the single carriageway, such as currently exists for most of the road south of Tunbridge Wells to Hastings, was a source of daily congestion, causing delay to drivers and frustrating businesses that depend on the road. The aim of the improvements was to speed up journeys, improve safety, reduce congestion and boost the economy. This has already proved successful, but does not benefit Hastings and Rother, which remain disadvantaged by the single lane north and south for much of the A21, south of Tunbridge Wells.

5. The A21 is the main strategic road from the M25 to Hastings and Rother (including Bexhill and Battle). The traffic is slow moving, particularly on the single track south of Tunbridge Wells. The A21 is renowned for being a “complete nightmare”, “a joke” and businesses have reported to “hate coming down the A21”. The A21 also has the reputation as one of the most dangerous roads in the country; it has the worst record of KSI's on the Strategic Road Network for a single carriageway.

5.1 In addition to tourism, it is essential that other economic growth is encouraged in this region; local businesses need to expand and companies need to be attracted to this area. Economic growth is vital for Hastings and Rother - for employment and to meet the aspirations of our young people. With the new commercial districts being developed for this aim in Hastings and Bexhill, for example, an improved road infrastructure is vital - particularly with regard to the A21. Residents, visitors and businesses need to link up with the national road network as safely and quickly as possible, without unnecessary congestion. ESCC's Local Transport Plan 3 2011 4.48 recognises that *"our strategic infrastructure, to carry longer distance traffic, is seen as a major constraint by local business to achieving economic growth and improving our connectivity with the rest of the region. This can result in traffic using less appropriate rural roads, creating a greater maintenance burden on those roads leading to higher accident rates and poorer connectivity between areas"*. (ESCC Local Transport Plan Strategy (adopted May 2011 - 2026, supported by Local Transport Plan Implementation Plan 201/17 - 2020/21 <https://www.eastsussex.gov.uk>)

5.2 The A21 Reference Group, made up of business, economic and political representatives (including our local MPs, Amber Rudd, Huw Merriman, Greg Clark, Sir Michael Fallon and Tom Tugendhat), has been campaigning for a number of years for improvements to the A21. In a letter dated 7th February 2018 from the above named MPs to Jesse Norman, Minister for Roads, Local Transport and Devolution - their response to the Consultation on Highways England's Initial Report - highlighted the importance of improvements to the A21, rather than the additional impediment a level crossing would impose.

*'In November 2017, a report by the Road Safety Foundation cited the A21 from Hurst Green to Hastings as the highest risk road on England's Strategic Road Network, with the place most likely to be killed on an A-Road being the A21 junction at Coopers Comer. This is sobering and should be cause alone for an upgrade to be approved but there is a practical impact on others too - the March 2017 South Coast Central Route Strategy recognised this stating, "The lack of viable alternative*

*routes also means this corridor has limited resilience to disruption." Accidents sadly can and do grind to a halt one of the country's most important roads'*

*Our ambition is to see a modern dual carriageway which befits the main link between the M25 and south coast. For decades schemes have been designed, approved and scrapped. Sometimes as a whole, more often for separate sections. But they have all demonstrated that the need is clear. We have every confidence the case for dualling the A21 from top to toe satisfies the five key aims of RIS2 as well as the four goals in the Transport Investment Strategy' ([huwmerriman.org.uk](http://huwmerriman.org.uk) - Attachment MP Letter to Roads Minister - A21)*

5.3 Research shows that 'well-designed infrastructure investments have long-term economic benefits; they can raise economic growth, productivity and land values' (LSE Growth Commission - Infrastructure and Growth). Research by Henry Overman et al (see What Works Centre for local growth) found that road related accessibility improvements between 1998 and 2007 increased local employment. Road projects specifically, can increase business entry either by new businesses starting up or existing businesses re-locating. Transport improvements can stimulate the economy by not only raising the productivity of existing businesses and workers, but also by attracting new firms and private sector investment.

Amber Rudd, MP for Hastings and Rye has stated that she has '*already written to the Rt Hon Chris Grayling MP, Secretary of State for Transport to raise my concerns and opposition regarding building further level crossings on the A21. Not only can these level crossings be dangerous, there are also a number of damaging environmental effects which result from the traffic congestion the crossing would cause.*

*I believe it will cause significant congestion, limit tourists' accessibility and limit our opportunity to achieve economic growth. Furthermore, Network Rail's work to close level crossings shows just how dangerous they can be. I believe there are safer and more effective ways to re-establish a transport link between Robertsbridge and Bodiam which should be explored.*

*I have been working hard to lobby both Government Ministers and industry experts to campaign for the dualling of the A21. Improving our transport links is essential to regenerating our local economy and encouraging businesses to invest in our towns' ([amberrudd.co.uk](http://amberrudd.co.uk) "I'm against it" says Amber).*

6. The Applicant has failed to adequately address concerns regarding increased traffic and parking in Robertsbridge and the safety of a level crossing across the main trunk road to Hastings, Battle, Bexhill and rural Rother District.

6.1 RVR asserted in its application that no additional parking provision would be required in Robertsbridge. Severe parking issues already exist in Robertsbridge, without additional cars likely to park to use the steam railway. Commuters, not wishing to pay the station car park charges, park their cars near the station in residential areas. The Applicant should be required to commission a full parking review at its own cost.

6.2 Level crossings are and remain dangerous areas for both pedestrians and road vehicles. The number of level crossings across the country is gradually being reduced because the risk of accidents at level crossings is considered high. In 2004 the then director of the UK Railway Inspectorate commented that "*the use of level crossings contributes the greatest potential for catastrophic risk on the railways.*" The creation of new level crossings on the national network is banned (the exception

being reopening **unavoidable** crossings on new/reopening railway lines and on heritage railways), with bridges and tunnels being the more favoured options.

6.3 In December 2011, the Office of Rail and Road (ORR) published 'Level Crossings: A Guide for Managers, Designers and Operators'. ORR's policy on level crossings outlines that *'Risk control should, where practicable, be achieved through the elimination of level crossings in favour of bridges, underpasses or diversions'* (page 5, paragraph 2). At paragraph 4, *'ORR believes that it is neither effective nor efficient for only rail companies to be responsible for managing safety at level crossings. Decisions about level crossings should involve rail companies, traffic authorities and other relevant organisations as early on as possible. Relevant authorities should recognise the wider benefits that safety improvements at level crossings (for example, replacing them with bridges) can bring about, particularly for road users. If wider benefits can be achieved, the appropriate funding bodies should agree on how the costs of making safety improvements will be met'*.

6.4 Given that the managing of safety and decisions about level crossings should involve other agencies and authorities, it is pertinent that Highways England lodged its objection to RVR's application, for reasons including safety and economic grounds:

*'1. Highways England currently objects to the proposed Rother Valley Railway (Bodiam to Robertsbridge Junction) Order for the following reasons:*

*a. In accordance with Section 5.36 of the Licence, Highways England considers that the failure of the Applicant to supply relevant information suggests a clear case to prohibit connection of the proposed railway to the A21 Trunk Road on the basis of safety and/or economic impacts may exist.*

*b. Highways England therefore currently withholds consent under Section 175B of the Highways Act 1980 (as amended by the Infrastructure Act 2015) for the proposed railway and for the proposed temporary accesses A1 and A2 to access the A21 Trunk Road.*

*2. Highways England further submits that the Secretary of State should delay progressing the case until discussions between the Applicant and Highways England are further advanced, for the following reasons:*

*a. The Applicant did not consult Highways England on the wording of the draft Transport and Works Act Order (TWAO) before it was applied for, despite the TWAO affecting Highways England's interests.*

*b. The Environmental Statement (ES) accompanying the application is out of date and deficient in respect of traffic and transport matters.*

*c. A 'full economic benefit analysis for the railway' promised by the Applicant to accompany the TWAO application has not been provided.*

*d. The acceptability of the proposed level crossing of the A21 Trunk Road has not been subject to the safety assessment processes operated by the Office of Road and Rail (ORR) and Highways England.*

*e. More generally the state of preparation of the design of the works to the A21 Trunk Road is insufficient for Highways England to be satisfied that the proposed level crossing of the railway over the A21 Trunk Road would not result in a severe adverse impact on the SRN in accordance with the tests set out in para 10 of the Circular and paragraph 32 of the National Planning Policy*

*Framework. Many matters relating to the design, construction and operation of the level crossing remain to be agreed between the Applicant and Highways England.*

*f. Highways England is concerned that the application has been inadequately prepared and there will be unreasonable additional costs for Highways England and for other stakeholders unless progression of the TWAO is paused.'*

7. In view of the above, I respectfully request that the Secretary of State refuses the application and declines to make the Order.

**Cllr. Sally-Ann Hart**  
**18th September 2018**