

**TRANSPORT AND WORKS ACT 1992**

**THE TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004**

**THE PROPOSED ROTHER VALLEY RAILWAY (BODIAM TO ROBERTSBRIDGE JUNCTION) ORDER**

**PROOF OF EVIDENCE OF DAVID GILLETT**

**1. Introduction**

**1.1 My qualifications and experience**

1.1.1 My name is David Gillett. I am the Project Manager with responsibility for overseeing the application for the Rother Valley Railway (Bodiam to Robertsbridge Junction) Order which will authorise the construction, operation and maintenance of the reinstated Rother Valley Railway (the **Project**).

1.1.2 I have a BSc in Civil Engineering. I am an active member of the Institute of Civil Engineers, a former member of the Institute of Electrical Engineers and I have over 50 years' experience of designing and delivering major projects all over the world.

1.1.3 For the first 10 years of my career I worked for major private contractors, initially on temporary works design and subsequently in various roles managing the construction of the M61 and M62 motorways, dams and the Drax power station.

1.1.4 In 1976 I moved to a role with UK Government which involved managing large infrastructure projects around the world, initially in the Caribbean and then in Asia and Africa. After this, I had a worldwide engineering management role within central Government with responsibility for over £2 billion per year of projects, utilising many consultants and contractors. My role included managing the engineering aspects of emergency aid, responding to major disasters and the aftermath of the wars in Bosnia and Iraq.

1.1.5 From 1988 I was head of a large Government department with over 300 staff, with responsibility for building and maintaining Government buildings at home and overseas, together with responsibility for the security of all staff and buildings globally. This department was also responsible for IT communications throughout the world and my teams designed and implemented, on time and to budget, a large (£80m) encrypted satellite communication system with earth receiving stations. I was also part of a senior Government team responsible for protection against terrorists which required many visits to challenging parts of the world.

1.1.6 I received a CBE for my work in 2009.

**1.2 My involvement in the project to reinstate the historic Rother Valley Railway between Bodiam and Robertsbridge**

- 1.2.1 In 2013, I was approached by a long-standing friend from University who asked if I would assist with the project to re-instate the former Rother Valley Railway on behalf of Rother Valley Railway Limited (**RVR**). I took on the role of Project Manager and, as a result, have been closely involved for over 7 years throughout the process of securing planning permission for the development and the subsequent application for statutory powers under the Transport and Works Act 1992.
- 1.2.2 **My key responsibilities have been:**
- 1.2.2.1 the selection, appointment and management of suitably qualified and experienced consultants to undertake the various studies, assessments, designs and reports required both to secure planning permission and to support the application (the **Application**) for the proposed Rother Valley Railway (Bodiam to Robertsbridge Junction Order (the **Order**) made by RVR under the Transport and Works Act 1992;
- 1.2.2.2 leading on consultation with statutory consultees, businesses and other local organisations and the general public;
- 1.2.2.3 preparing and co-ordinating the studies and documents etc. required to support the Application;
- 1.2.2.4 instructing, providing information to, and liaising with our Parliamentary Agents.
- 1.3 **Scope of my evidence**
- 1.3.1 My evidence will address the following points:
- 1.3.1.1 A review of the historical context and development of the Order scheme:
- 1.3.1.2 a description of the proposals contained in the Order scheme;
- 1.3.1.3 the policy support for the Order scheme,
- 1.3.1.4 the extant underlying planning permission and attached conditions which control the implementation of the Order scheme,
- 1.3.1.5 the economic and other benefits of the proposals,
- 1.3.1.6 how the Order scheme will be funded and delivered; and
- 1.3.1.7 the support for the Order scheme from national and local transport and tourism bodies.
- 1.3.2 I will also describe the consultation and engagement that has taken place with the Environment Agency, Highways England and the Office of Rail and Road (**ORR**) over many years and will summarise the substantial amount of work that has been undertaken to assess the environmental impacts of reinstating the railway across the Rother Valley and to demonstrate the safety and efficacy of the proposed level crossing of the A21 and three other level crossings comprised in the project.
- 1.3.3 I will also give evidence regarding the acquisition by agreement of much of the land required for the project by and the efforts that have been made to engage and negotiate with the landowners whose property is subject to compulsory powers under the proposed Order, including the compelling case in the public interest for acquisition of the narrow railway corridor adjacent to the river Rother and proposals to mitigate the impacts on the affected properties.

- 1.3.4 Finally, my evidence will cover the substance of the Application and RVR's response to other objectors to the Order. Where appropriate, I will refer to the evidence of other witnesses on behalf of RVR.

#### 1.4 **Statement of Matters**

- 1.4.1 RVR's evidence will inform the Inquiry about the following matters in the Statement of Matters issued by the Secretary of State for Transport (the "Secretary of State") dated 29 November 2018, being the matters about which the Secretary of State particularly wishes to be informed for the purposes of considering this application:

*Paragraph 1 – the aims and the need for the proposed Order and the justification for the particular proposals in the draft Order, including the anticipated transportation, environmental and socio-economic benefits of the project:*

The aims of, and need for, the proposed Order are covered in section 4 of my evidence and in the evidence of Tom Higbee [RVR/W2/1]. The justification for the particular proposals in the draft Order is covered in sections 7 and 16, in the evidence of Shaun Dewey [RVR/W9/1] and in the evidence of Tom Higbee. The transportation and benefits are dealt with in the evidence of Tom Higbee [RVR/W2/1], and Shaun Dewey [RVR/W9/1], and the environmental benefits are addressed in the evidence of Robert Slatcher [RVR/W5/1] and Giles Coe [RVR/W6/1]. The socio-economic benefits are addressed by the evidence of Tom Higbee [RVR/W2/1] and supported by the Economic Impact Report (RVR 09).

*Paragraph 2 – the main alternative options considered by the promoter and the reasons for choosing the proposals comprised in the scheme:*

This is covered in my description of the development of the scheme in section 8 and the engineering evidence of Jonathan Portlock [RVR/W8/1].

*Paragraph 3 – The likely impacts of the exercise of the powers proposed in the draft Order on landowners, tenants, local residents, businesses and statutory undertakers, including:*

- (a) *the impact of the three new level crossings on safety, traffic flows and congestion, particularly in relation to the A21 and future plans for this road*
- (b) *the impact of the scheme on roads, footpaths and bridleways including the impact on access to property and amenities*

My evidence and that of Tom Higbee [RVR/W2/1] will address the impacts of the exercise of the Order powers on local residents, businesses and statutory undertakers. The evidence of Peter Hodges [RVR/W10/1] considers the impacts of the railway on the farming businesses either side of the railway, including any impacts on access to farm properties. Evidence concerning the proposed level crossings and any impacts on footpaths and bridleways is given by David Keay [RVR/W8/1], and Philip Hamshaw [RVR/W3/1]. Impacts on amenities generally is given by Rob Slatcher [RVR/W5/1]. Philip Hamshaw will confirm that there are no plans for the future development or enhancement of the highway anywhere near this stretch of the A21.

- (c) *the effects on flood risk, air quality, water and waste discharge and noise*

Flood risk is dealt with in the evidence of Suzanne Callaway [RVR/W7/1] and I explain in paragraph 19.3.3 of my evidence that RVR will ask the Secretary of State to include in the Order an agreed set of draft protective provisions for the benefit of drainage authorities and the Environment Agency. Air Quality is the subject of a report by the

Temple consultancy (**RVR 60**) and will be covered, along with noise, in the evidence of Robert Slatcher [**RVR/W5/1**]. There are no waste discharges associated with the Order scheme.

- (d) *impact on heritage assets, the surrounding natural habitats, fauna and flora and the High Weald Area of Outstanding Natural Beauty*

The above matters are covered in the evidence of Robert Slatcher [**RVR/W5/1**], Giles Coe [**RVR/W6/1**] and Shaun Dewey [**RVR/W9/1**].

- (e) *parking provision*

Parking is covered in paragraphs 25.11.1 to 25.11.4 of my evidence.

*Paragraph 4 – measures proposed to mitigate any adverse impacts of the scheme including any protective provisions or other measures to safeguard the operations of utility providers or statutory undertakers*

Mitigation of environmental impacts is addressed in the Environmental Statement (**RVR 24-27**) and Further Environmental Information (**RVR 70 to RVR 73** inclusive) submitted in March 2021 and evidence of Rob Slatcher [**RVR/W5**] and Giles Coe (in relation to ecology) [**RVR/W6/1**]. Paragraphs 14.2 and 19.3.3 of my evidence will explain the protective provisions that RVR will ask the Secretary of State to include in the Order for the benefit of the Environment Agency and Highways England. The proposed Order includes standard protection for statutory undertakers that has ample precedent in recent TWAOs and there are no outstanding objections to the scheme by utility providers or other statutory undertakers.

*Paragraph 5 – the extent to which the proposals in the TWA Order are consistent with the National Planning Policy Framework, national transport policy and local transport, environmental and planning policies.*

These matters are dealt with primarily in section 6 of my evidence and are also covered, as relates to transport in the evidence of Phil Hamshaw [**RVR/W3/1**] and in relation to environmental policies, in the evidence of Robert Slatcher [**RVR/W5/1**].

*Paragraph 6 – the adequacy of the environmental statement*

Paragraph 25.3.5 of my evidence deals with the scoping opinion obtained from the Secretary of State and the evidence of Robert Slatcher [**RVR/W5/1**] considers the overall adequacy of the Environmental Statement and Further Environmental Information, the evidence underpinning it and compliance with the Transport and Works (Applications and Objections) (England and Wales) Rules 2006 (the **Applications Rules**).

*Paragraph 7 – compliance with the statutory procedural requirements*

This is covered in my evidence in section 22 relating to the application.

*Paragraph 8 – the purpose and effect of any substantive changes to the draft Order proposed by RVR or other interested parties, and whether anyone whose interests are likely to be affected by such changes has been notified*

See section 23 of my evidence in respect of amendments to the application draft Order, Book of Reference and Sheet 3 of the Order plans.

*Paragraph 9 – having regard to the criteria justifying compulsory purchase powers in paragraphs 12 to 15 of the MHCLG Guidance on “Compulsory Purchase and the Crichel Down Rules for the disposal of surplus land acquired by, or under threat of compulsion”:*

- (a) *whether there are likely to be any impediments to the exercise of the powers contained within the Order, including the availability of funding*

My evidence and that of the other RVR witnesses will demonstrate that there are not likely to be any impediments to the exercise of the powers contained within the Order. Section 5 of my evidence deals specifically with funding and deliverability of the scheme.

- (b) *whether the land and rights in land for which powers are sought are required in order to secure satisfactory implementation of the scheme*

The Order scheme is described in full in the Environmental Statement; also paragraphs 16.3 and 16.4 of my evidence explain why permanent land take and temporary use of land is required.

- (c) *whether there is a compelling case in the public interest for compulsory powers for the purposes of the scheme*

- (d) *whether the purposes for which compulsory powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected*

The economic benefits of the scheme for which compulsory powers are required are explained in the Economic Impacts Report (**RVR 09**). The compelling case in the public interest for the compulsory acquisition of land to achieve these economic benefits is set out in the evidence of Tom Higbee [**RVR/W2/1**] and Peter Hodges [**RVR/W10/1**] and summarised in paragraph 16.26 of RVR’s Statement of Case (**RVR 65**) and section 13 of my evidence. My evidence, and that of Shaun Dewey [**RVR/W9/1**] will also address the wider benefits of the scheme.

## **2. Background to the Application**

### **2.1 Introduction to the Application**

- 2.1.1 On 19 April 2018, RVR applied to the Secretary of State for Transport for the Order (**RVR 01**).
- 2.1.2 The purpose of the Order is to provide statutory authorisation for the re-instatement of the historic railway line across the Rother Valley in East Sussex, thereby providing a connection from the mainline railway in the picturesque village of Robertsbridge across the Rother Valley to the existing steam train attraction of the Kent & East Sussex Railway Limited (**K&ESR**) which operates between a station at Bodiam, adjacent to the famous 14<sup>th</sup> century moated castle, and the town of Tenterden in Kent, which derived its wealth from wool trading in the medieval period and now has a wealth of interesting architecture and features of interest.
- 2.1.3 The section of railway to be reinstated under the Order is referred to across the Application documentation as “**the Missing Link**”.
- 2.1.4 If made, the Order would give rise to significant economic benefits as well as providing a rail connection from the mainline to Bodiam Castle (and also to numerous other attractions) that can currently only be accessed by car. Although much of the railway corridor has been acquired by private treaty and built out pursuant to planning permission (including a Victorian-style terminus at Robertsbridge), it has not been possible to acquire

all the land required for the scheme at Robertsbridge. Although efforts have been, and will continue, to secure the necessary interests in land by agreement, the Order would provide powers to compulsorily acquire such land along the former railway corridor from the two landowners concerned.

- 2.1.5 Of necessity, the railway will cross three roads and a bridleway on the level, which is an interference with the public highway. The Order would confer statutory authority for the principle of these crossings, thereby enabling RVR to fully implement the planning permission granted for this development in March 2017 (ref: RR/2014/1608/P) **(RVR 07)**.
- 2.1.6 The Order would also provide statutory authorisation for the existing railways between Bodiam, Udiam and Austen's Bridge and between Northbridge Street in Robertsbridge and Robertsbridge Terminus station, adjacent to the national main line station, that have already been constructed pursuant to planning permissions.
- 2.1.7 Once construction is completed, K&ESR will be able to operate steam trains along the entirety of the historic and very beautiful route between Tenterden and the main line railway at Robertsbridge.
- 2.1.8 A more detailed description of the Project can be found in chapter 2 of the Environmental Statement **(RVR 24-27)** and in section 5 of RVR's Statement of Case **(RVR 65)**. It is also considered further in section 7 of this proof.

## 2.2 Historical Context

- 2.2.1 The K&ESR opened in 1900 as England's first 'light railway', serving the rural communities of East Sussex and Kent. It changed its name to K&ESR in 1905 when the line was extended to Headcorn. Closing to passengers in 1954, and to freight in 1961, it remained operational but moth-balled in the ownership of the British Railway Board. Efforts were made in the mid-1960s by Rother Valley Railway Company Ltd to acquire a transfer of the statutory powers and obligations of the railway from the British Railways Board (later BRB (Residuary) Limited) so as to re-open the entirety of the line, which was at that time closed (but not yet abandoned for the purposes of the statutory powers). An agreement was made to transfer the railway, subject to the company obtaining the requisite transfer order under the Light Railway Act 1896.
- 2.2.2 A public Inquiry was held and the Inspector recommended making the relevant Light Railway Order, subject to further information being provided as to how the railway would be funded. That information was provided, but the Order was nevertheless refused, not on funding grounds but because the Minister at that time took a view that the advantages to the public in re-opening the railway would be outweighed by the effect on road traffic of the seven at grade crossings that would have been manually operated and because it was believed, at that time, that there would be public expenditure on three dual carriageway bridges. This decision was made at a very different time, some fifty years ago, when sustainable travel was not a concern and heritage railways were not the popular and wealth-creating tourist attractions that they are now. Further, the A21 Robertsbridge bypass had not yet been constructed. None of the dual carriageways or bridges materialised and there are no plans to bring them forward.
- 2.2.3 Efforts continued to save the line. A shorter section of railway between Tenterden and Bodiam was successfully reopened as the K&ESR in 1974 and now operates steam hauled and diesel observation trains on a 10.5 mile line between Bodiam Castle and Tenterden. The line crosses 6 roads on the level, including three A roads.

- 2.2.4 There has always been an aspiration within K&ESR to reinstate the original line through to Robertsbridge where a connection to the main line would be possible. A separate company, RVR, was formed in 1991 to bring this forward (see 2.2.7 *et seq* below).

#### **The Rother Valley Railway Heritage Trust**

- 2.2.5 The Rother Valley Railway Heritage Trust (**RVRHT**) (Registered Charity No. 1088452) was formed in January 2001 to:

*preserve for the benefit of the public of Kent and East Sussex and of the nation the historical, architectural and constructional heritage that may exist in and around Kent and East Sussex in buildings (including any building as defined in section 336 of the Town and Country Planning Act 1990) or structures of particular beauty or historical, architectural or constructional interest.*

- 2.2.6 RVRHT makes grants towards the reconstruction of the historic trackbed and structures on Colonel Stephens' Light Railway between Robertsbridge and Bodiam in Sussex. RVRHT is recognised by the appropriate authority as having charitable aims. Reinstatement of the Missing Link of the historic railway across Rother Valley is entirely in keeping with RVRHT's objects of preserving the "historical, architectural and constructional heritage that may exist" in buildings and other structures and consistent with its activities in rebuilding other parts of the line since its inception. The Application is compatible with RVRHT's aims and objects. The existing embankments, bridges and other structures on the route will be repaired or reinstated using sympathetic materials and methods to bring them back into their original use.

#### **Rother Valley Railway Limited**

- 2.2.7 RVR is a limited liability company with share capital, incorporated in May 1991 as Rother Valley Railway (East Sussex) Limited. (It changed its name to Rother Valley Railway Limited in 2004.) It is registered in England, with company number: 2613553, and its registered office is: 3/4 Bower Terrace, Tonbridge Road, Maidstone, Kent, ME16 8RY. RVRHT owns 100% of the issued non-voting shares and 99% of the issued voting shares of RVR and thereby has effective control of RVR Ltd.
- 2.2.8 The objects of RVR, as shown on Companies House records, are the rebuilding, development and management of the heritage railway from Robertsbridge to Bodiam including the establishment and operation of a passenger carrying train service.
- 2.2.9 RVR was formed with the following objects (**RVR 14**):
- (i) To acquire any part or parts of the site of the original railway running from Robertsbridge in East Sussex to Tenterden in Kent or of any other land or property in the vicinity of the said railway.
  - (ii) To restore the railway or part thereof as nearly as may be possible to its original route.
  - (iii) To operate either solely or with any other person or persons (whether individual or corporate) a railway service on the restored railway and/or enable a railway service to be operated thereon by any other person or persons (whether individual or corporate).
  - (iv) To carry on any retail and/or wholesale business.
  - (v) To carry on any catering business.

- (vi) To carry on the business of publishing of books guidebooks or any other literature.
- (vii) To carry on the business of providing educational services including the running of courses and seminars and the production of educational materials and resources.

### **The Kent and East Sussex Railway**

- 2.2.10 K&ESR was originally named the Tenterden Railway Company Limited. Its objectives are:

*To preserve, restore and operate any part or parts of the railway extending from Robertsbridge in Sussex to Tenterden in Kent (known as The Kent & East Sussex Railway hereinafter called "the Railway") as a permanent public exhibition and museum for the advancement of technical historical and general education and for the permanent preservation, display and demonstration of steam and other railway locomotives rolling stock, equipment and relics of historical operational and general interest and educational value [RVR/W1/2-1].*

- 2.2.12 Upon completion of construction of the railway authorised by the Order, it will be operated by K&ESR as an integral part of its heritage railway offering. This is anticipated by the draft Order which provides authority for RVR to transfer its statutory undertaking to K&ESR without the need for further consent.
- 2.2.13 Shaun Dewey's evidence [RVR/W9/1] will include an explanation of K&ESR's plans for operating between Bodiam and Robertsbridge and the arrangements contemplated for use of facilities by Network Rail and visiting heritage locomotives. He will also explain the facilities that will be provided for visitors at Robertsbridge Station. The K&ESR is a long-standing and successful operation. It has a TripAdvisor rating of: 4.5 with 1,123 reviews (as at February 2021) (RVR 10). It is described by Visit Southeast England as follows:

*The picturesque line weaves between Tenterden and Bodiam for 10 1/2 miles. England's finest rural light railway enables visitors to experience travel and service from a bygone age aboard beautifully restored coaches and locomotives dating from Victorian times." (Visit Southeast England) (RVR 11).*

- 2.2.14 The line between Bodiam and Tenterden provides a heritage railway experience and leisure transport along the Rother Valley which connects a number of tourist visitor locations, rambling opportunities, boating and other pursuits' along its route as well as the National Trust's hugely popular Bodiam Castle and the market town of Tenterden.
- 2.2.15 Tenterden Town Station is the headquarters of the K&ESR. Facilities include a cafe that was once the Maidstone & District Motor Services bus station building (imported from Maidstone, Kent and restored for its current use) and a museum telling the story of how the railway was built and operated by light railway pioneer Colonel Stephens and how his other railways spread throughout the UK. This exhibition won the Morton's Media (Heritage Railway Magazine) Interpretation Award 2014. There is also a book and gift shop. Themed events are run through the year at Tenterden Town Station. Some are connected with local history and other forms of vintage transport and, like other UK heritage lines, children's events such as Thomas the Tank Engine and Santa Specials all help provide a commercial underpinning to the Company's activities. Educational visits are provided for local schools and apprentices are trained in railway operations, locomotive maintenance and reconstruction at K&ESR's workshops in Rolvenden. Railway Experience Days are also offered. Shaun Dewey's evidence provides further detail on the facilities and operations of the K&ESR, including its financial position, and also explains how the K&ESR has weathered the recent coronavirus pandemic and its plans for the future.

### **3. Permissions under the Town and Country Planning Act 1990**

- 3.1 Over the course of a number of years, planning permission has been obtained in connection with the reinstatement of the Rother Valley Railway. These are:
- 3.1.1 for the re-instatement of the railway between Bodiam and the boundary of Quarry Farm at Junction Road (permission RR/94/1184/9 in 1994)(**RVR 03**);
  - 3.1.2 for the reinstatement of the railway from Robertsbridge to Northbridge Street (RR/2005/836/P in 2005) (**RVR 04**);
  - 3.1.3 for restoration of the railway through Udiam Farm to Junction Road (RR 2009/114P in 2009) (**RVR 05**), and
  - 3.1.4 for the construction of Robertsbridge Junction Station, (RR/2012/1357/P in 2012)(**RVR 06**).
- 3.2 All permissions listed at para 3.1 have been implemented and the permitted development completed, with the exception of Robertsbridge Junction Station, where works are ongoing. At Robertsbridge, a connection to the main line was completed in late 2016.
- 3.3 Work to construct the railway pursuant to these planning permissions has all been undertaken by local contractors, utilising materials procured locally, or gifted by Network Rail (replaced bridges) and London Underground. Design and supervision has been undertaken by professionally qualified and experienced RVR and K&ESR volunteers. It is RVR's case that it has ample and relevant expertise to enable it to construct the works to be authorised by the Order. (Further evidence relating to this is provided by Shaun Dewey [**RVR/W9/1**].)
- 3.4 At Robertsbridge, a connection to the Network Rail main line was completed in late 2016, and formally opened by Sir Peter Hendy, Chairman of Network Rail, in December 2016. The new Robertsbridge Junction Station Platform and the first phase of the main station building was formally opened by Huw Merriman MP on 25 August 2017. Network Rail is already using the connection with the heritage railway for training purposes, sending groups of employees down from its training centre in Nottingham; and it is also envisaged that the connection facility will be used to assist Network Rail to reduce disruption on the main line by enabling it to store equipment and reduce the extent of possessions required for routine and extraordinary maintenance.

#### **The March 2017 Planning Permission**

- 3.5 Following consultation over a period of six years (including discussions with all relevant statutory bodies and the local planning authority, as well as surveys, designs and flood risk modelling), planning permission for the Missing Link between Udiam and Robertsbridge was unanimously approved by the Rother District Council Planning Committee on 17 March 2017 (RR/2014/1608/P) (**RVR 07**).
- 3.6 The March 2017 planning permission includes a suite of detailed planning conditions relating to ecology and habitat, flood risk and flood defences, contaminated land, archaeology, sewerage infrastructure, road safety and efficiency and controlling construction, construction site access, construction traffic management, monitoring of the operation of the A21 crossing, level crossing arrangements, train movements, insurance and indemnity in relation to the A21, safety auditing, traffic calming, speed limit review, and car parking. The March 2017 planning permission provides for the development comprising the railway and the conditions attached to that permission control how the development is to be implemented.

- 3.7 The Order is necessary to grant statutory powers to acquire land compulsorily in the public interest and to interfere with the public highway (the level crossings) in order that the railway can be re-provided along its historic route. Were the route entirely on private land, it would be possible for RVR to construct and operate the Missing Link under the March 2017 planning permission alone. Consequently through this application no deemed planning permission for the operational development required to construct the Missing Link is sought. Below I set out the background to, and steps taken to secure, the March 2017 planning permission.
- 3.8 As stated above, the planning process effectively commenced in 2011, initially concentrating on discussions with the Environment Agency, the Highways Agency (now Highways England), Rother District Council and East Sussex County Council (as highway authority for Northbridge Street, Bridleway S&R 36b south of Salehurst and the B2244).
- 3.9 Both the Environment Agency and Highways Agency raised detailed questions in relation to their statutory undertakings, which lead to the preparation of a number of reports and analysis as part of extensive engagement. This is described in paragraphs 19.3.1 to 19.3.5 and section 20 of my evidence.
- 3.10 As part of this process, RVR engaged specialist consultants, Mott MacDonald, Arup, Temple and Capita, all of whom worked closely with the relevant authorities. In the case of Capita, for example, the preparation of the Flood Risk Assessment submitted to Rother District Council took 18 months to complete, with the relevant modelling and subsequent flood risk analysis being checked and approved by the Environment Agency. In late 2016, the Highways Authority and the Environment Agency each directed planning conditions to be included in the approval of the planning application.
- 3.11 A detailed report was submitted to members of the Rother District Council Planning Committee by the relevant officer (**RVR 56**). This report took full account of the objections and representations made in relation to the application and, in March 2017, there was a unanimous decision to grant planning permission. The planning permission included the conditions directed by the Highways Agency and the Environment Agency.
- 3.12 Following grant of planning permission, RVR purchased the land between Junction Road and Austen's Bridge. Planning condition approvals relevant to this section were progressed in consultation with RDC, Natural England and the ESCC ecologist. The RDC letter of approval dated 9 April 2019 is appended to this proof at **[RVR/W1/2-12]**. All necessary licences were secured from Natural England. This is covered in more detail in the evidence of Giles Coe **[RVR/W6/1]**.
- 3.13 In consultation with ESCC, RVR developed proposals to introduce a 40mph speed limit along Junction Road either side of the anticipated level crossing. Initial consultation ended in June 2018, following which ESCC approved the installation of the requisite signage and highway markings. Given delays to the TWAO procedure, RVR has not implemented this work and the TRO was not sealed. RVR will re-apply once the Order is made. A copy of the ESCC approval of 27 June 2018 is appended to this proof at **[RVR/W1/2-2]**.
- 4. Need for the Order scheme**
- 4.1 The local area and places of interest**
- 4.1.1 The East Sussex and West Kent area is a significant destination for overseas and domestic visitors. The region is typified by picturesque coastline, historic towns and attractive countryside, making it a destination for outdoor activities, and leisure and

cultural purposes. The Railway also sits within '1066 Country', which is named after the Battle of Hastings and promotes tourism sites across the eastern part of East Sussex.

4.1.2 The historic village of Robertsbridge is a popular jumping off point for activities in the High Weald AONB, whereas Tenterden is a visitor destination in its own right. Between the two sits Bodiam Castle, a National Trust property that attracts more than 185,000 visitors a year. Bodiam Castle is the 4th most visited National Trust castle and the 66th most popular attraction of over 200 National Trust properties (as reported in its annual report 2019/20 [RVR/W1/2-3]). The National Trust supports the reinstatement of the Missing Link and proposes to promote the accessibility provided by the link to the national rail network in its marketing of Bodiam Castle.

4.1.3 Other attractions in the area include Great Dixter and Sissinghurst Castle, the 1066 Battle Abbey and Battlefield, and towns of Rye, Battle and Hastings. Further attractions include Rolvenden Motor Museum; glamping at "The Original Hut Company, Bodiam; and vineyard tours at Bodiam Vineyard, Ostbrook, Chapel Down and Bidenden. Each stop along the route of the K&ESR railway has something of interest for visitors to the area and it is, for example, possible to take a steam train in one direction between Northiam and Bodiam and a boat along the river in the other, stopping at Newenden, the smallest village in Kent, with its 18<sup>th</sup> century bridge over the river Rother.

#### 4.2 **Need for the reinstatement of the railway**

4.3 Despite the many attractions of the area, as outlined in section 4 above, East Sussex suffers from above average levels of deprivation. This is explained in the evidence of Tom Higbee [RVR/W2/1] and he notes (paragraph 3.109) that the need for economic stimulus in Rother has been recognised by the Government in its "Levelling Up Fund".

4.4 The benefits accruing from the reinstatement of the Missing Link and its subsequent operation as part of the K&ESR was assessed by the Steer Economic Impact Report (RVR 09) and is explained in Tom Higbee's evidence.

4.5 The economic impact was assessed based on the additional number of visitors; the direct spend associated with such additional visitors (average £42.55 per visitor); a spend 'multiplier' of 1.22, to reflect the indirect effects of initial visitor spend e.g. on local supply chains; and an apportionment of the total economic benefits that accrue to the local area. The forecast benefits are assessed to be within the range of £740,000 to £1.38 million per annum, with a central estimate of £1.06 million (at 2018 prices). The additional visitor spend will also support approximately 20 full-time equivalent (FTE) jobs when operational.

4.6 The scheme is also forecast to deliver approximately £6.5 million of additional local economic impacts during the construction phase, supporting approximately 34 jobs over the duration of the construction period.

4.7 Should visitors to the K&ESR increase to around 180,000 per year, which is comparable to similar heritage railways elsewhere in the UK, the economic benefits would be up to £4.6 million per year.

#### 5. **Funding and costs**

5.1 The Estimate of Costs (RVR 21) in the prescribed form that accompanied the application estimated, as at that date, the final cost of implementing the Order, including the cost of acquiring land which is blighted within the meaning of section 149 of the Town and Country Planning Act 1990, as approximately £5.3m. This includes all those costs set out in the Form of Estimate of Costs set out in Schedule 3 of the Transport and Works

(Applications and Objections Procedure) (England and Wales) Rules 2006, taking account of the fact that the majority of construction materials and part of the land have already been paid for. It also includes a contingency for future design work and the costs of providing the security required by the planning conditions and protective provisions for HE.

- 5.2 The amount spent to date includes the capital costs of a new carriage shed (£500,000) for the better preservation of the trains that it is anticipated will operate between Tenterden and Robertsbridge.
- 5.3 The Funding Statement (**RVR 20**) and paragraphs 1.38 and 1.39 of RVR's Statement of Case (**RVR 65**) explain that the project will be funded by the Rother Valley Railway Heritage Trust (**RVRHT**) through charitable donations, with no call on the public purse. This is how the railway has been constructed to date between Robertsbridge station and Northbridge Street and from Bodiam to Austen's Bridge, including the construction of the station at Robertsbridge. All works have been undertaken with care and to very high standards. The arrival of the coronavirus had an impact on the rate at which the works to the east of Udiam Road were able to proceed, due to restrictions on activities during lockdown, but there is no reason to believe that the Missing Link will not be constructed as soon as is reasonably practicable following the making of the Order.
- 5.4 Throughout the restoration of the railway to date, RVRHT has benefited from consistent and generous philanthropic donations. The most significant individual benefactors are wealthy private individuals who wish their privacy to be respected. That the donors' commitment is genuine and their ability to fund the project is beyond doubt is evidenced by the more than £3.7m that has already been spent to fund the employment of expert consultants and advisors to advise on all aspects of the project, and the implementation of works wherever it has been possible for them to be carried out pursuant to the relevant planning consents without the need for further powers. A summary is in appendix **[RVR/W1/2-4]**.
- 5.5 Further guarantees as to the financial security of the project are provided by the requirements of conditions 22 and 24 of the 2017 planning permission (**RVR 07**) which requires the provision of sufficient insurance cover for both the level crossing installations and to allow complete removal and reinstatement of existing surfaces in the event that Rother Valley Railway ceases to operate. Further, the protective provisions for the benefit of Highways England include provision for a bond and cash surety, by way of security, to be paid to Highways England prior to the commencement of works.
- 5.6 The evidence of Shaun Dewey **[RVR/W9/1]** addresses K&ESR's proposals for the operation of the Missing Link as part of K&ESR. Maintenance of the authorised works will be met by K&ESR. The longevity and continued success of the K&ESR provides reasonable assurance as to the future maintenance and operation of the Missing Link, despite the unprecedented impact of the coronavirus.
- 5.7 It is worth noting that large sections of the railway have already been completed utilising local contractors and experienced volunteers. As a result, RVR has up to date and detailed costs for this type of work, which gives confidence to the estimate costings. (Construction details are provided in an annex to the Arup options report, which is included in the RVR submission to ORR at **RVR 75**).
- 5.8 Photographs of some of the works completed to date are at document ref **RVR 13**.
6. **The Policy Context.**

- 6.1 The project meets the objectives of sustainable development and sustainable tourism and transport in the National Planning Policy Framework and is also consistent with the priorities of East Sussex County Council (ESCC) and Rother District Council (RDC).
- 6.2 More detailed evidence on the level of policy support for the project is set out in section 4.8 of the Environmental Statement (**RVR 25**) and section 9 of the Statement of Case (**RVR 65**) and is brought up to date in paragraphs 6.4 et seq of this proof, where I confirm that the proposals are entirely compatible with the National Planning Policy Framework as revised in 2019.
- 6.3 The proposed reinstatement of the former railway is compatible with national and local planning policy. This section provides a summary of relevant planning policy.

### **National Planning Policy**

*National Planning Policy Framework, February 2019 (**NPPF**)*

- 6.4 The Order scheme meets the objective of sustainable development by satisfying each of the economic, social and environmental objectives: NPPF Paragraph 8.
- 6.5 Specifically, in accordance with Paragraph 83, the project facilitates the sustainable growth and expansion of business in rural areas (83(a)) and enables sustainable rural tourism and leisure development which respects the character of the countryside (83(c)).
- 6.6 The project also contributes to the achievement of sustainable transport, addressed in chapter 9 of the NPPF. In line with Paragraph 102, the scheme realises opportunities from existing or proposed transport infrastructure (102(b)), pursues opportunities to promote public transport (102(c)), the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account (102(d)) and patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places (102(e)). The project complies with Paragraph 103 by offering a genuine choice of transport modes for those wishing to access the heritage railway and surrounding places, including Bodiam Castle.
- 6.7 Under Paragraph 104(c), planning policies should identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice. The Rother District Council Local Plan policy EM8 regarding the scheme (see below) achieved this, planning permission was granted in accordance with that policy and would now be delivered by the implementation of the Order scheme. (Note that policy EM8 was superseded in RDC's adopted Development and Site Allocation Plan (December 2019))
- 6.8 As explained on page 12 of the planning decision, RDC was able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework 2012 (**NPPF 2012**). This is consistent with paragraph 11 of the current NPPF.
- 6.9 The following table sets out policies of the NPPF 2012 considered relevant by the planning authority as described in the reasons for various of the planning conditions and the relevant paragraphs in the current NPPF:

**Table 1 – planning conditions and NPPF**

<b>Condition</b>	<b>NPPF 2012</b>	<b>NPPF 2019</b>
PP Condition 3 - Ecology Survey, PP Condition 4 - Buffer Zone, PP Condition 5 – Ecological Management, PP Condition 6 - Construction Environmental Management Plan	Paras 99, 109 and 118	Paras 149, 170, 175
PP Condition 9 – Flood Risk	Paras 99, 100 and 103	Paras 149, 155, 163
PP Condition 14 – Piling	Paras 109, 121	Paras 149, 178
PP Condition 27 - Programme of archaeological work, PP Condition 28 - Archaeological assessment	To ensure that the archaeological and historical interest of the site is protected and to comply with the NPPF	Para 187

6.10 The relevant extracts of the NPPF 2019 can be found at (**RVR 38**).

### **Local Planning Policy**

#### *ESCC planning policy*

6.11 The East Sussex County Council Plan (April 2018) sets out four priorities, including (ESCC Plan 2018/19 – Introduction) to drive sustainable economic growth. The plan notes an intention (ESCC Plan 2018/19 – performance measures and targets) to build on the country's existing strength in culture and tourism. The plan suggests an intended outcome of “*growing the visitor economy by raising the visibility of East Sussex, enhancing perceptions, increasing the number of visitors to the coast, and increasing length of stay and spend*” by 2021. Extract in (**RVR 39**).

#### *RDC policy*

6.12 The Rother District Council Local plan was adopted in July 2006 following a public inquiry. Three of the landowners on the proposed route objected and two, one of whom was Mr Hoad, appeared at the Inquiry to reiterate their objections. In paragraph 45 of the Inspector's report (**RVR 16**), he recommended retention of the policy of support to the railway as it would have significant benefits for tourism and sustainable travel. The reinstatement is covered in detail on pages 914 and 915 of the report and states: “Were the landowners to remain opposed to the scheme, the Council could consider whether it wished to seek the use of compulsory powers” (to acquire the necessary land).

6.13 The relevant policy read as follows:

Policy EM8 - An extension to the Kent and East Sussex Steam Railway from Bodiam to Robertsbridge, along the route identified on the Proposals Map, will be supported, subject to a proposal meeting the following criteria.

- (i) it must not compromise the integrity of the floodplain and the flood protection measures at Robertsbridge;
  - (ii) it has an acceptable impact on the High Weald Area of Outstanding Natural Beauty;
  - (iii) it incorporates appropriate arrangements for crossing the A21, B2244 at Udiam, Northbridge Street and the river Rother.
- 6.14 The planning permission granted unanimously by Rother District Council gave effect to Policy EM8 and the Order will ensure that the Council's policy is delivered.
- 6.15 The Core Strategy was adopted by RDC on 29 September 2014, having been determined as sound by the Inspector appointed to oversee the public examination process, subject to the inclusion of the main modifications set out in the Appendix to her report. Following adoption, the Core Strategy forms part of the statutory Development Plan for the District and is used in the determination of all planning applications. It includes certain saved policies from the Local Plan 2006 not replaced by the Core Strategy. Policy EM8 was one of the policies saved in the 2014 Core Strategy.
- 6.16 Rother District Core Strategy sets out spatial and sectoral strategic objectives. The strategic objective for the economy is: "to secure sustainable economic growth for existing and future residents and provide greater prosperity and job opportunities for all." From this is derived the objective "to develop key existing sectors, including tourism.
- 6.17 The Council's forward-looking Development and Site Allocations Plan (DaSA Plan) was adopted in December 2019 and forms part of the statutory development plan to be used in the determination of future planning permissions. Policy EM8, having been delivered by the grant of planning permission, is formally expressed to have been superseded by this plan. There is no allocation in the DaSA plan that is inconsistent with the delivery of the railway.
- 6.18 The Salehurst and Robertsbridge Neighbourhood Development Plan (April 2018) includes an objective to "*foster a sustainable community that promotes employment creation, across commercial, retail and industrial sites*" (RVR 40).

## **7. The Order Scheme**

- 7.1 The Order would authorise the construction and maintenance of the final section of former railway corridor (the "Missing Link"), approximately 3.42 km long, running from Junction Road (the B2244) in Udiam to Robertsbridge. It would also provide statutory authority for the operation and maintenance of that part of the railway between the terminus at Robertsbridge and Northbridge Street and between Junction Road and Bodiam that has already been reinstated in accordance with planning consent. The Order would confer powers of compulsory purchase over the former railway corridor between the A21 and Junction Road that has not already been acquired by private treaty. The Order would also provide statutory authority for four level crossings along the route of the Missing Link. Completion of the Missing Link will allow the operation of a heritage railway service from Tenterden to Robertsbridge, with intervening stops at Rolvenden, Wittersham Road, Northiam and Bodiam. The draft Order includes powers to construct, maintain and operate the railway within the limits shown on the Order plans. It includes powers to carry out street works, create accesses to the works, to temporarily stop up streets for the purposes of the authorised works and to cross the public highway on the level. It includes supplementary powers needed to implement the Project, including a power to access and

survey land within the limits of the survey land which extends along the areas, such as the banks of the river Rother where RVR will want to carry out further ecological surveys. Finally, the Order provides for miscellaneous powers which have ample precedent in legislation authorising railways, including powers to lop overhanging trees, to transfer the statutory undertaking and to introduce the protection for statutory undertakers.

- 7.2 The eastern end of the Order scheme commences at the new Robertsbridge Junction station terminus, where new sidings, a picnic area, a user friendly platform, water tower, flower beds, lighting, toilets and a connection to Network Rail have already been constructed under earlier planning permissions. Further construction work will include a booking hall, café, a vintage locomotive turntable, engine shed and a carriage shed.
- 7.3 Robertsbridge Junction station is located adjacent to the existing Robertsbridge Station, with links to London and Hastings. It looks out over the village of Robertsbridge to the east. A large (128 space) Network Rail car park is located directly to the west. On leaving the station the line curls round through small areas of woodland and fields, crossing 3 bridges over small streams, and then passing Robertsbridge Cricket ground to the south and the old mill to the North as it travels down a slight gradient to Northbridge Street. (This section of line is already completed).
- 7.4 As I describe further below, a new manual CCTV controlled double barrier level crossing will take the railway across Northbridge Street, followed almost immediately by a new bridge over the river Rother. From this bridge the railway will run onto an embankment across rough pasture towards the A21. A new culvert will be constructed adjacent to the bridge to allow passage of flood water under the embankment, particularly if the flood gates are in place across Northbridge Street, just north of the level crossing.
- 7.5 The new embankment is a re-instatement of the historic embankment upon which the former railway ran across the valley. It will include 29 culverts and 2 bridges, as agreed with the Environment Agency and approved by the local planning authority to ensure appropriate management of water in the event of severe floods. There will be an access to the embankment (and culverts) from Northbridge Street and an accommodation crossing is proposed to provide continuity of access for the landowners.
- 7.6 Where the railway crosses the A21, a new modern automatic radar controlled double barrier level crossing will take the railway over the road onto a continuation of the embankment. The evidence of David Keay [RVR/W8/1] and Philip Hamshaw [RVR/W3/1] will discuss this crossing in detail. The new embankment will not interfere with the existing large culvert beneath the A21 and will incorporate several new culverts. After 140 metres of embankment a new bridge will carry the line over both Mill Stream and public footpath S&R 31.
- 7.7 The reinstated railway will then continue on a shallow embankment beside the river Rother which meanders through the valley, initially across pasture, then arable land as it travels eastwards. Provision has been made in the application for a "Halt" at Salehurst, just before the bridleway (S&R 36). The line will then cross bridleway on the level, as described in the evidence of David Keay [RVR/W8/1] before continuing passing through arable land until it meets the existing historic railway embankment. Once on the existing embankment, the railway will run through a corridor of trees which have grown since the former line was closed, and on to the existing Austen's Bridge over the river Rother. The old embankment continues beyond the bridge until it meets Junction Road where a new double barrier level crossing will be located, as described in the evidence of David Keay.
- 7.8 Beyond Junction Road the line has already been constructed and runs through scenic meadows and lightly wooded areas. Towards the end of the end of the scheme, Bodiam

Castle comes into view and line connects with the existing Kent and East Sussex Railway just to the east of the existing K&ESR Bodiam station.

## **8. Scheme development and alternatives**

- 8.1 As the Order scheme is the reinstatement of a former railway, there were limited opportunities to consider alternative alignments. Landowners were consulted to see if moving the line slightly further north or south would help to limit the effect on the operation of their farms, but it was concluded that to do so would be of little benefit. A comprehensive study of options for crossing Northbridge Street, the A21 and Junction Road was undertaken by Arup in 2019. (This is included in the RVR submission to the ORR at RVR 75). Three options were considered in each case: at-grade, rail under road and rail over road. The analysis concluded that level crossings are the only reasonably practicable crossing options, given the locations of the crossings. Evidence relating to the road crossing options will be given by Jonathan Portlock [RVR/W4/1] and, in relation to options for crossing Bridleway S&R 36b, by David Keay [RVR/W8/1].

## **9. Level crossings**

### **9.1 Need to cross the public highway at level**

- 9.1.1 The original railway crossed a number of local highways on the level and the reinstated railway will have similar interfaces.
- 9.1.2 In 1989 a new single-carriageway bypass was opened, taking the A21 trunk road through fields to the east of Robertsbridge, passing over Mill Stream and river Rother, largely on viaduct. It is RVR's case, endorsed by the ORR's expert panel on level crossings in its Statement of Case, that a level crossing is the only reasonably practicable option for crossing the A21 at this location.
- 9.1.3 All four crossings described in the draft Order have planning permission from Rother District Council (**RVR 07**). The evidence of David Keay [RVR/W8/1], Jonathan Portlock of ARUP [RVR/W4/1], and Philip Hamshaw of i-Transport [RVR/W3/1] considers the level crossings, alternative options and wider road safety issues in more detail including the scrutiny by the ORR's expert panel on level crossings.

### **9.2 Other crossings**

- 9.2.1 In addition to crossing the following roads on the level:

- 9.2.1.1 A21;
- 9.2.1.2 Northbridge Street (Robertsbridge); and
- 9.2.1.3 B2244 (Junction Road, Udiam),

the Order scheme also crosses the following public rights of way (PRoW):

- 9.2.1.4 A footpath FP (S&R 31) south from Church Lane, Robertsbridge (underbridge); and
- 9.2.1.5 A bridleway (S&R 36b) south of Salehurst which is crossed on the level.
- 9.2.2 Two other footpaths to the east of Northbridge Street (S&R 16a and S&R 27) (underbridges at Bridges 1 and 2).

- 9.2.3 The vehicle crossings of Northbridge Street and B2244 will take the same form as that of the A21. The bridleway crossing will be a user-worked crossing, as is commonplace on both heritage railway lines and the national main line network.
- 9.2.4 A detailed account of the consultation and level crossing approval process is set out in the evidence of David Keay [RVR/W8/1] Evidence relating to engagement with the ORR concerning the proposed Salehurst Bridleway (S&R 36b) crossing and the accommodation crossings for farmers' access are also described in the evidence of David Keay. In addition, the evidence of David Keay will address the level crossing operation proposed for the crossings of the three roads by the railway, particularly in the context of safety at crossings.

## **10. The Interface with Network Rail's mainline**

- 10.1 Network Rail has expressed support for the scheme both in writing and with practical assistance (provision of volunteer work, use of plant and donation of materials). The connection to the mainline provides a training facility for Network Rail engineers who can work on non-live track during the winter months when the line is not required for heritage railway operations. The Network Rail trainees stay in the local area during their visits. The direct link to the Network Rail track makes it possible for main line maintenance to be undertaken more efficiently as plant can be kept on the RVR line before moving onto the main line as soon as the mainline "possession"<sup>1</sup> is implemented. Main line steam train excursions to and from Hastings and other towns in the south of England will also be able to re-water/re-fuel and utilise the new turntable. This could provide an additional source of revenue and the historic turntable will be an attractive visitor feature. There is also a potential source of income from providing Network Rail's contractors with use of RVR's facilities.

## **11. Mitigation of the effects of development**

### *Flood*

- 11.1 The proposed railway does not significantly impact on flood levels elsewhere, and flood risk to the railway can be managed such that the development will be safe for its lifetime. Detailed evidence relating to flood risk is provided by Suzanne Callaway of Capita [RVR/W7/1].
- 11.2 The existing flood defences protecting the village of Robertsbridge are unaffected by the Order scheme apart from one location, immediately to the east of Northbridge Street, where a 30m section of the existing flood protection embankment will be replaced with a flood wall, thereby providing continuing access to the River Rother and land between Northbridge Street and the A21 for the Environment Agency and landowner. This alteration to the existing arrangements has been stipulated by the Environment Agency and will ensure sufficient width of access for its ongoing maintenance of the existing flood defences).
- 11.3 In total, along the new works between Northbridge Street and Junction Road there will be 29 new culverts, 2 viaducts and 2 new bridges, details of which are described in the Flood Risk Assessment submitted with the application [RVR 37] and which were approved by the Environment Agency prior to the grant of planning consent in March 2017.

### *Farming operations*

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<sup>1</sup> "Possession" is the term Network Rail uses to refer to a period in which its network is closed for maintenance or works.

- 11.4 When designing the new works, the needs of the relevant landowners were considered and the Order plans show 8 potential accommodation crossings for the landowners and 3 new, appropriately surfaced, tracks parallel to the railway to provide vehicular access for the landowners to all fields affected by the reinstatement of the railway. It is anticipated that, once the Order is made, it will be possible to agree the detailed arrangements with the landowners to mitigate the effects of the reinstatement of the former railway on their farming operations. The ORR has been fully consulted on the proposals as set out in the evidence of David Keay **[RVR/W8/1]**. To date, we have been designing on the assumption that the accommodation crossings will all be at-grade, and this is what the planning consent envisages. However, RVR will keep an open mind as to alternatives, when discussing the proposals with the landowners, as well as being open to where they are located and what operational controls are deemed necessary to ensure any risks are as low as reasonably practicable (**ALARP**). The evidence of David Keay **[RVR/W8/1]** will deal with the ORR's position in respect of private-user crossings, but if it is not reasonably practicable to either eliminate the need for a crossing, or construct a grade separated alternative to an accommodation crossing, and it can be demonstrated that the use of an at-grade accommodation crossing is ALARP, and that the residual risks are tolerable, then it is not clear on what grounds ORR could prohibit the construction or use of such crossings. There are many such crossings all over the country and the K&ESR is accustomed to operating with them.

#### *Ecology*

- 11.5 Along the route of the scheme, areas of land will be provided for environmental mitigation to address any loss of habitat and to provide for enhancement of biodiversity in accordance with the planning conditions. This is explained in the evidence of Giles Coe **[RVR/W6/1]**.
- 11.6 Mr Coe will also give evidence regarding the existing former railway corridor from Junction Road to Austen's Bridge, a distance of approximately 300 metres which was acquired by RVR in May 2017. He will describe how detailed environmental and ecological surveys of the area have been undertaken by specialist consultants. In accordance with planning conditions, detailed mitigation and ecological management plans have been developed for this stretch of the development and approved by RDC planners. Where appropriate, licences have been obtained from Natural England, allowing mitigation measures to be implemented prior to the commencement of construction works. Mr Coe's evidence and that of Rob Slatcher **[RVR/W5]** also explain that the remaining stretch of former embankment, to which it has not been possible to obtain access for surveys, will have a similar ecology.

## **12. Application for the Order and timeline**

- 12.1 The application for the Order consisted of the following documents:
- Draft Order (**RVR 01**)
  - Explanatory memorandum, explaining the purpose and effect of the provisions of the draft Order (**RVR 17**)
  - Statement of Aims, which summarises the aims of the proposals (**RVR 18**)
  - Report summarising consultations undertaken (Consultation Report). (**RVR 19**)
  - Funding Statement, which gives details of how the costs of implementing the Order will be funded (**RVR 20**)
  - Estimate of Costs, describing the costs for carrying out the works provided for in the Order (**RVR 21**)
  - Book of Reference, which relates to the Works and Land plans (**RVR 22**)
  - Order plans and sections (**RVR 23**)

- Environmental Statement and Addendums, including a copy of the Secretary of State's scoping opinion (**RVR 24 to 28**)
  - List of consents (**RVR 30**)
- 12.2 The Order application was the subject of publicity and notices as required by the Applications Rules (**RVR 59**). Objections and other representations to the Secretary of State were invited until 28 May 2018. Application documents were available for inspection throughout the objection period.
- 12.3 The proposals were the subject of pre-application consultation and publicity carried out by RVR as described in the Consultation Report (**RVR 19**) and summarised in section 14 of the Statement of Case (**RVR 65**).
- 12.4 Land referencing for the purposes of compiling the book of reference was carried out with diligent enquiry. As a supplementary exercise, "unknown" notices were also erected at several locations and further notices were served on members of the Hoad family, once RVR was made aware that there was an error in relation to the members of the Hoad family owning parcel 62 in the Book of Reference, and that this particular parcel was also held in a private trust. RVR has therefore complied with all statutory requirements as to notices.
- 12.5 On 8 June 2020, the Inspector hearing the Inquiry made a direction under Rule 17 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (**Rule 17 Direction**) requiring the submission of further environmental information (**FEI**), for the purpose of updating the assessments comprised in the Environmental Statement submitted with the application. The FEI was submitted on 8 March 2021. One representation was received in respect of the FEI (from the landowners). This is responded to in the updated Statement of Case dated 10 May 2021 (**RVR 66**).

### **13. The Economic Benefits**

- 13.1 It has long been recognised by the local authority as evidenced by its planning policy support and grants of planning permission for the development that the reinstatement of the historic railway across the Rother Valley between Bodiam and Robertsbridge will bring significant benefits to the local economy (see document **RVR 02**).
- 13.2 In 2018, I commissioned the Steer consultancy to prepare a detailed Economic Impact Study (**RVR 09**). Steer is one of the foremost consultancies working in this field. The Steer analysis adopted a conservative approach to ensure that its findings would not overstate the potential benefits of the Order scheme. Its report confirms the very significant value of local economic benefits that would be delivered by the construction and operation of the Missing Link as a "stand alone" scheme and the overall economic benefit of K&ESR's strategy to grow passenger numbers of which the Missing Link is a central plank.
- 13.3 The economic impact was assessed based on the additional number of visitors; the direct spend associated with such additional visitors (average £42.55 per visitor); a spend 'multiplier' of 1.22, to reflect the indirect effects of initial visitor spend e.g. on local supply chains; and an apportionment of the total economic benefits that accrue to the local area. The forecast benefits are assessed to be within the range of £740,000 to £1.38 million per annum, with a central estimate of £1.06 million (at 2018 prices). The additional visitor spend will also support approximately 20 full-time equivalent (FTE) jobs when operational. The scheme is also forecast to deliver approximately £6.5 million of additional local economic impacts during the construction phase, supporting approximately 34 jobs over the duration of the construction period.

- 13.4 Should visitors to the K&ESR increase to around 180,000 per year, which is comparable to similar heritage railways elsewhere in the UK, the economic benefits would be up to £4.6 million per year.
- 13.5 The Steer report demonstrates that the railway can be expected to attract visitors from both the London and Hastings ends of the mainline, as well as those from further afield, bringing opportunities and employment in tourism and other businesses to this disadvantaged rural area. It will provide rail access for visitors excluded by lack of car ownership to the gems of the Rother Valley and Tenterden as well as helping to reduce traffic in the country lanes. It will provide stimulating heritage experiences for young and old as well as giving exciting volunteering, and paid, opportunities for others.
- 13.6 The application has the support of the local MP, Huw Merriman, Rother District Council, the National Trust, Network Rail, East Sussex County Council, Kent County Council, Tenterden Town Council, Ashford Borough Council and 1066 Country. Its benefits are recognised by its inclusion as a saved policy in the Local Plan, and RVR is already delivering upon that plan. However, the plan cannot be implemented without the powers to compulsorily acquire and use land and to cross the public highway on the level at four locations
- 13.7 The economic benefits of heritage railways are significant. The All Party Parliamentary Group on Heritage Rail produced a report on the value of heritage railways in June 2013 (**RVR 31**). The remit of the report was to establish the current and future value of heritage railways to the local and national economy; to identify the contributions they make to their local community including education and training, employment, sustainable tourism and health and wellbeing as well as the Big Society; to establish best practice amongst heritage railways; and to identify and advise on current and future Government policy affecting the heritage railway industry. Whilst somewhat dated, the report is nevertheless of value. It includes the following calculation regarding the value that heritage railways bring to their local communities (in paragraph 1 of the Executive Summary on page 6):

*“In order to assess the local economic impact of Heritage Railways, the ratio of the estimated economic value to the organisations turnover was calculated. These indicate that for every £1 spent on the Railway, a mean average figure of £2.71 is added to the local economy”.*

#### **14. Delivery**

- 14.1 A team of qualified professionals, some of whom may be retired volunteers, will oversee the construction work. This will be undertaken, as has been the case with the other construction work carried out to date, mainly by local contractors and, where appropriate, by appropriately experienced volunteers.
- 14.2 In the case of the level crossing over the A21, a set of proposed protective provisions to be included in the Order have been agreed with Highways England. These provide for approvals of works details and are designed to ensure that works affecting the A21 are carried out to Highways England's reasonable satisfaction. These provisions also provide for Highways England to satisfy itself as to the suitability of the workforce that will carry out any of the works capable of affecting the safety and efficiency of the A21. The protective provisions supplement the existing controls that Highways England's predecessor body directed RDC to impose by means of planning conditions numbers 15, 16, 17, 18, 19, 20, 21, 22 and 23.
- 14.3 Materials required to construct the railway will mostly be delivered by rail. Fill material and track ballast will be delivered via the existing connection between RVR and the main line railway at Robertsbridge from stockpiles that RVR is already holding at several South

Coast ports. Other track materials will be delivered along the railway from K&ESR's Northiam station.

- 14.4 Vehicle access will be kept to a reasonable minimum and will be controlled by the Construction Traffic Management Plan approved by the local planning authority in consultation with Highways England in accordance with condition 16 of the March 2017 planning permission.

#### 14.5 **Timetable for delivery**

- 14.5.1 Once the Order is made, it will become possible to gain access to the route of the railway between Northbridge Street and Austen's Bridge, across Parsonage and Moat Farms and alongside the river Rother. Upon gaining access, it is anticipated that there will be 12 months of surveys and detailed design work, in order to discharge relevant planning conditions and other approvals. Construction of the drainage, embankments, structures, and track work will take a further 12 months. The majority of the work will be carried out by local contractors, supervised and monitored by RVR's experienced and qualified engineers.
- 14.5.2 It is anticipated that commissioning and trials by K&ESR will take approximately 3 months, ready for the anticipated start of passenger trains.

### 15. **Operation**

- 15.1 Once the railway has been constructed and commissioned, it is anticipated that it will form part of the network of the K&ESR and that the statutory powers to operate and maintain it will be transferred by agreement to K&ESR. Article 30 of the draft Order provides for this.
- 15.2 Shaun Dewey's evidence [RVR/W9/1] explains how the reinstated railway will be operated by K&ESR as an integral part of its heritage undertaking.

### 16. **Need for Compulsory Powers**

- 16.1 Government Guidance on compulsory purchase and the Crichel Down rules (July 2019) (the **Guidance**) provides that compulsory purchase powers should be used where it is expedient to do so, but only where there is a compelling case in the public interest. Further, the applicant should be able to demonstrate that it has taken reasonable steps to acquire all of the land and rights included in the Order by agreement (para 2).
- 16.2 The Guidance also provides that if an applicant "does not: (i) have a clear idea of how it intends to use the land which it is proposing to acquire; and (ii) cannot show that all the necessary resources are likely to be available to achieve that end within a reasonable time-scale, it will be difficult to show conclusively that the compulsory acquisition of the land included in the order is justified in the public interest, at any rate at the time of its making" (para 13).
- 16.3 RVR has, over the course of years, acquired parcels of land to enable it to implement the Missing Link. It now owns the entirety of the railway corridor between Bodiam and Austen's Bridge at the eastern end of the Missing Link and between Northbridge Street and the terminus station at the western end. At the western end, RVR has permission to use 6 bridges that have passed to the Highways England Historical Railways Estate ("HE HRE"). The position in relation to these structures is explained in paragraph 17.2 below. Consented development on private land has enabled the new Robertsbridge Terminus station to be constructed and track to be laid up to Northbridge Street and from Bodiam

to the B2244 Junction Road. Work is currently underway on the section between Junction Road and Austen's Bridge.

- 16.4 It is not possible to complete the Missing Link without the acquisition of that part of the former railway corridor, adjacent to the river Rother, and temporary use of nearby land for construction of the railway and mitigation works that is currently in the ownership of the Hoad and De Quincy families. Requests to acquire the necessary land or rights over the land by agreement have been unsuccessful. For this reason, it is necessary to seek powers of compulsory acquisition over the relevant land, although RVR remains committed to seeking to engage with the landowners with a view to acquiring a sufficient interest in the land by private treaty.
- 16.5 It is RVR's case that there is a compelling case in the public interest for the grant of compulsory powers. This is explained in the evidence of Tom Higbee [RVR/W2/1], and Peter Hodges [RVR/W10/1].
- 16.6 RVR envisages that, upon the Order being made, accommodation crossings of the railway and provision of farm access tracks will be provided where necessary, and by agreement with the landowners, to mitigate the impacts of the railway upon the farming businesses. The impacts of the scheme on the farming businesses affected by the compulsory acquisition powers are covered in more detail in the evidence of Peter Hodges. The provision of accommodation crossings and role of the Office of Rail and Road ("ORR") in relation to such crossings is considered in the evidence of David Keay [RVR/W8/1]. How accommodation crossings currently operate across the length of the K&ESR is described in the evidence of Shaun Dewey [RVR/W9/1].

## **17. Land acquisition**

### **17.1 Highways England**

- 17.1.1 The Order would confer statutory powers to cross the A21 highway on the level and associated powers that allow for associated highway works and the installation of level crossing equipment. Insofar as any land or rights over land outside the highway boundary may be required to fully implement the crossing and to tie in the railway embankments either side of the A21, Highways England has expressed itself content to grant any necessary rights to RVR outside of the statutory process. See main section on engagement with Highways England at paragraph 20 below.

### **17.2 Highways England Historical Railway Estate**

- 17.2.1 The line to be authorised between the Robertsbridge Terminus and Northbridge Street includes five former British Rail overbridges that were restored by RVR, with the consent of the (then) British Rail Board (Residuary) ("BRB(R)") when that part of the former railway was reinstated pursuant to planning permission RR/2005/836P. Since then, ownership of the bridges and airspace beneath has passed from BRB(R) to the Highways England's Historical Railways Estate (HEHRE) and, therefore, parcels 1 to 5 are Crown land for the purposes of the compulsory powers in the proposed Order.
- 17.2.2 In January 2021 HE HRE provided its "in principle" consent to the acquisition of the bridges in the event that the Secretary of State is minded to make the Order and agreed a form of words for inclusion in the draft Order that provides for RVR to assume all the obligations relating to the relevant property and terminating the original agreement between RVR and BRB(R) [RVR/W1/2-5].

## **18. Landowners**

- 18.1 RVR has made every reasonable effort to engage meaningfully with the landowners affected by the scheme and has instructed specialist land agents to assess the impact of the railway on their farming businesses (**RVR 67 and RVR 68**). A summary of the various meetings and correspondence is in **[RVR/W1/2-6]** An approach was first made to the owners of Moat Farm and Parsonage Farm (the “**landowners**”) in 2010 by letter from RVR’s land agents, Lambert and Foster. There followed informal discussions with the landowners between 2010 and 2014, followed by six meetings. A number of invitations to treat were made during this period and, prior to preparation of the environmental statement, access was requested to allow environmental surveys to take place, although permission was not forthcoming.
- 18.2 Following the grant of the March 2017 planning permission, letters were sent to the landowners on 8 May 2017, with increased offers to purchase the required land, together with a suggestion that RVR would consider purchasing land in the vicinity of their farms, if it became available as a “land swap”.
- 18.3 Contact was again made with representatives of the landowners in 2018 and in 2019, suggesting a meeting on site to discuss the preparation of a report on the effect of RVR on the landowners’ farming operations. The offers of a meeting were declined. The RVR Land Agent, Peter Hodges, proceeded to prepare a draft report which was shared with the landowner’s agent (Andrew Highwood of Savills) in early 2020. In March 2020, a joint meeting on site was finally arranged. Further details are provided in the proof of evidence of Peter Hodges **[RVR/W10/1]**.
- 18.4 However, earlier this year, the Hoad family entered into a formal agreement with RVR and RVRHT not to exercise certain prescriptive rights it asserts over Highways England’s land in the vicinity of A21 level crossing in the event that the Order is made and implemented.
- 19. Consultation and engagement**
- 19.1 As described in the Consultation Report (**RVR 19**) and the section 14 of the Statement of Case (**RVR 65**), RVR engaged extensively with local residents, businesses, statutory bodies and other key stakeholders in advance of the application for the Order and will continue to do so during the construction phase and beyond. Over the years leading up to the grant of planning consent and the application for the Order, there have been 5 well attended public meetings, presentations to business groups locally and as far afield as Tonbridge and Hastings. Discussions with all the local and statutory authorities, Members of Parliament and local councillors have been ongoing since 2010. Members of RVR have visited businesses in the area to provide details of the project and, prior to submission of the application, visited residents who had expressed concerns about how the project might affect them and wished to have a meeting.
- 19.2 The proposed railway has a high level of support from all the local authorities, the National Trust, the local tourist board and the local Member of Parliament as well as many individual supporters and businesses. However, there have also been many objectors to the project. RVR’s response on each of the key grounds of objection is set out in the RVR Statement of Case (**RVR 65**).
- 19.3 Consultation and engagement with the Environment Agency**
- 19.3.1 RVR first met with the Environment Agency (**EA**) on 18 April 2011 to begin consultation on the Flood Risk Assessment (**FRA**) for the proposed scheme. The Order scheme continued to be developed, with modelling undertaken jointly by Capita and the EA.

- 19.3.2 In addition to the FRA report (**RVR 36**) a joint Modelling Report was produced (**RVR 37**) that gave details of all the bridges, culverts and viaducts incorporated into the railway design. As a result of this collaboration, the EA was satisfied that the reinstatement of the railway would have no significant effect on flood levels during a flood event.
- 19.3.3 The EA stipulated conditions to be attached to the planning consent which were duly imposed by RDC. In anticipation of the TWA application, RVR consulted with the Romney Marshes Area Internal Drainage Board and the Environment Agency. Following the application for the Order, the EA made a holding objection which was withdrawn once provisions for the protection of drainage authorities and the Environment Agency had been agreed and made contractually binding on RVR by means of a side-agreement. The EA's withdrawal of its objection [**RVR/W1/2-7**] is subject to one legal point which has been raised in numerous TWAOs applications, namely, where approval of plans by the EA is sought under protective provisions, whether, absent such approval within a specified timeframe, consent is deemed to be given or withheld. This will be the subject of legal submissions on either side at the Inquiry, but I understand that all recent railway TWAOs have included a provision for deemed consent.
- 19.3.4 As a result of the Rule 17 direction dated 8 June 2020, a further FRA has been prepared and further consultation took place with the EA to ensure that the assessment was based on the most comprehensive and up to date information. The model used to assess the impact of the railway on flood risk demonstrates that there is no significant increase in predicted flood levels in the 'with railway' scenario and small decreases are predicted in some areas.
- 19.3.5 RVR engaged specialist consultants, Capita, at a very early stage and evidence relating to the flood risk assessments is given by Suzanne Callaway of Capita [**RVR/W7/1**] who has been involved throughout.
- 19.4 **Consultation and engagement with county ecologist**
- 19.4.1 The ESCC County Ecologist, Dr Cole, was consulted in connection with the 2014 planning application and duly recommended that the application could be supported from an ecological perspective. The evidence of Giles Coe [**RVR/W6/1**] explains the continuing engagement with Dr Cole that has taken place since then relating to the land between Junction Road and Austen's bridge.
- 19.5 **Consultation and engagement with the Office of Rail and Road**
- 19.5.1 RVR first began consultation the Office of Rail Regulation (ORR) in 2010, as the body with statutory responsibility for safety on the railway and level crossings. Shortly thereafter, RVR commissioned a Traffic Impact Study (**RVR 32**), in respect of the three proposed vehicular level crossings, which was submitted to ORR in 2011, alongside preliminary design and specifications for the proposed level crossings.
- 19.5.2 In January 2012, HM Inspector of Railways wrote to RVR [**RVR/W1/2-8**], confirming that it would not be practicable to have grade separated crossings, indicating that risks associated with the level crossings would be "tolerable" and that "in the case of all three crossings, he would not make any objection to their reinstatement". It has consequently been acknowledged throughout the process by the ORR – now the Office of Rail and Road - that the level crossings over Northbridge Street, the A21 and Junction Road are in principle acceptable and can be operated safely.
- 19.5.3 Following submission of the application for the Order the ORR made a representation in respect of it (REP/17), following which the level crossings comprised in the Order scheme were referred to its expert panel. As part of the information submitted to the expert panel

of the ORR, detailed risk analyses were prepared by appropriately qualified experts for each crossing as described in the evidence of Jonathan Portlock [RVR/W4/1] and David Keay [RVR/W/8/1]. The analyses demonstrate that, utilising Network Rail methodology, there are no significant or unmanageable risks.

- 19.5.4 The preparation and submission of the extensive documentation required for the ORR's expert panel was completed in November 2019. In its opinion (REP/017), the ORR reported that all three road level crossings comprised in the Order scheme met its "exceptional circumstances" criteria for new level crossings, that there are no viable alternatives to the level crossing and that tunnelling and bridging the public highway are both impractical. In particular, it confirmed that it would be possible to create a tolerably safe level crossing of the A21.
- 19.5.5 The ORR's opinion was also that the crossings of Northbridge Street and Junction Road met its exceptional circumstances criteria. With regard to the bridleway crossing, the ORR considered that RVR had not demonstrated that a bridge was not reasonably practicable but noted the additional issues in relation to land take and visual impact which it did not take into account. In relation to the proposed accommodation crossings, the ORR merely noted that it would expect such crossings to have the highest level of protection at crossings that was reasonably practicable and to be involved in further discussion on the type and detail of any such crossings.
- 19.5.6 Thereafter, the ORR provided a letter of clarification to RVR dated 21 May 2021 (**RVR 69**) which stated that:
- "It is important to stress that, in the context of the bridleway and accommodation crossings, ORR is not stating that a bridge or level crossing option might be safe or unsafe. It is likely that either could be constructed and if used properly provide a potentially tolerable level of safety. However, the duty on the railway under the Health and Safety at Work etc. Act 1974 (HSWA) and subsidiary legislation is to reduce risks to as low as is reasonably practicable (ALARP), and hence choosing the option that balances the safety risk against the 'cost, time and trouble' of each option."*
- 19.5.7 The ORR submitted an Addendum (dated 21 May 2021) to its Statement of Case. In it, the ORR clarified its position. It confirmed that it is satisfied that the public road crossings of the Order scheme would be in line with mainline railway practice. In addition, the Addendum noted the potential environmental implications of a grade-separated replacement for the bridleway crossing and stated the ORR's belief that a tolerably safe crossing could be created, and also, in relation to user worked crossings, that RVR had acknowledged that at-grade crossings would only be considered where alternatives are not reasonably practicable and would, in any event, apply a risk-based approach to any crossings that are required.
- 19.5.8 Ongoing engagement continues with the ORR in relation to the proposed bridleway and accommodation crossings and it is anticipated that work will be ongoing to ensure that the ORR is satisfied that the proposed crossings are appropriate in the circumstances and designed to be ALARP. The evidence of David Keay will explain this engagement in more detail.

## **20. Consultation and engagement with Highways England**

- 20.1 There has been detailed consultation with Highways England on all aspects of the proposed level crossing and potential impacts on the A21. In January 2019 I appointed i-Transport as a consultant to work with Mott MacDonald and Arup to ensure that all Highways England's concerns relating to the level crossing of the A21 were addressed in a format that would be acceptable for Highways England's internal processes. i-

Transport and RVR have been engaged in regular meetings with the Highways England team during which detailed designs, technical specifications and assessments have been worked up in collaboration with, and approved by, the Highways England team. The evidence of Philip Hamshaw [RVR/W3/1] explains the liaison that has taken place and the up to date position regarding compliance with Highways England's detailed design approval procedure.

- 20.2 The engagement with Highways England follows on from detailed discussions with its predecessor body, the Highways Agency (HA) which commenced in 2011. Philip Hamshaw's evidence [RVR/W3/1] will summarise both the nature of this engagement and the content and conclusions of the numerous assessments and reports carried out since 2011, which have consistently demonstrated that any traffic delays as a result of the operation of the level crossing of the A21 would be relatively insignificant and the potential adverse economic impacts of level crossing closures would be negligible.
- 20.3 At the end of March 2015, and informed by the engagement that had gone before, HA wrote to RDC as part of the planning process which stated that HA had no "in principle" objection to the introduction of a level crossing and directed that a number of detailed planning conditions should be included in any grant of planning permission to RVR so as to ensure the safety and efficiency of the A21. A copy of that correspondence is included in Appendix 9 to the consultation report (RVR 19). Planning permission was granted for the Missing Link, subject to these, and other, planning conditions in March 2017.
- 20.4 After Highways England (HE) took over responsibility for the Strategic Road Network, there was further engagement between HE and ARUP in 2015.
- 20.5 RVR submitted the application for the Order in the reasonable expectation that HE, as successor body to HA, had been satisfied with the details provided to it prior to the grant of the March 2017 planning permission. I was very surprised when HE submitted an objection to the Order. HE subsequently submitted a detailed Statement of Case including a request for additional information and detailed designs.
- 20.6 A meeting was held with HE in August 2018 to endeavour to clarify the level of detail it was seeking. RVR found that the people dealing with RVR were different to those with whom we had previously met and discussed the Order scheme. Since then, and as described above, numerous meetings have taken place and the parties have worked together to ensure a detailed design for the level crossing that meets all HE's requirements. In addition, comprehensive protective provisions have been agreed that cover the construction and ongoing maintenance of the crossing and associated infrastructure. Further evidence on the engagement with HE is provided by Philip Hamshaw.
- 20.7 It is also anticipated that, once the Order scheme is operational, the existing speed limit of 40mph near the roundabout will be extended along the A21 to include the level crossing. As HE has responsibility for the Strategic Road Network, it is envisaged that HE will bring forward the necessary speed limit by means of a Traffic Regulation Order. Paragraph 6(2) of the agreed protective provisions provides that:
- 20.8 The Company [RVR] must pay to Highways England upon demand and prior to such costs being incurred the total costs that Highways England believe will be properly and necessarily incurred by Highways England in undertaking any statutory procedure or preparing and bringing into force any traffic regulation order or orders necessary to carry out or for effectively implementing the Highways England works.
- 20.9 As part of the discussions that have taken place, Highways England has provided an assurance to RVR that, to the extent that the powers conferred by the Order would be

insufficient to allow the Company to carry out the works approved by HE, it would provide licences or interests in land to RVR to enable the HE works to be fully implemented and operated.

- 20.10 Discussions continue with HE and it is to be expected that engagement will be continuous until such time as the Order scheme is delivered. At the time of preparing this proof, a submission for a Departure from the Design Manual for Roads and Bridges has been submitted to, and feedback given by, HE. The feedback suggests that there are no issues of principle and a meeting is to be held in June to discuss how best the feedback can be addressed, e.g. whether by reference to information already provided or by further detailed design work or simple clarification.

## **21. Consultation with East Sussex County Council as the relevant highway authority**

- 21.1 RVR began consultations with ESCC in its capacity as local highway authority in October 2013 in preparation for the Planning Application to RDC and discussions continued through until late 2016.
- 21.2 In November 2017, discussion on the works required at Junction Road continued, including the proposal to extend the 40mph limit, which was agreed. In respect of the Planning Conditions and designs of the level crossings ESCC has been also liaising with Highways England and has asked RVR for more detail of the proposed designs. When HE is satisfied with the level of details for the A21 level crossing, RVR will respond to ESCC's request.

## **22. Compliance with statutory procedural requirements**

- 22.1 Throughout the application process, RVR complied with all relevant statutory procedural requirements.
- 22.2 The decision to postpone the Inquiry in 2019 was made by the Secretary of State to allow time for further negotiations between the applicant and key statutory stakeholders, whilst the postponement of the Inquiry in May 2020 was the result of the coronavirus pandemic. In each case, this was not a decision made by RVR; nor did the Secretary of State consider there to be unreasonable behaviour on the part of RVR. In my view, RVR has used the time productively to take forward discussions with key stakeholders and, in the case of the FEI, to re-validate and supplement the totality of environmental information available to the Inquiry. RVR does not accept that any party's interests have been prejudiced by these decisions.
- 22.3 There is no statutory or procedural requirement under the Transport and Works Act regime for an applicant to provide security for any objector's costs.

## **23. Amendments to the draft Order and other application documents**

- 23.1 The draft Order has been updated to reflect recent made orders and to provide for the following:
- 23.1.1 Art. 43 – to reflect wording agreed with the Department for Transport in respect of Highways England Historical Railway Estate (HE HRE) ownership of five bridges between Robertsbridge and the A21 to be acquired by RVR (see para 17.2 above for details);
- 23.1.2 Article 44 – to provide for the Crown interests (i.e. the Secretary of State's interest in the former railway bridges).

- 23.1.3 Amended protective provisions as agreed with the Environment Agency have been included in the draft Order alongside a set of protective provisions for the benefit of, and agreed by, Highways England.
- 23.2 Sheet 3 of the Order Plans (**RVR 23**) has been amended to show the Order limits (red dashed line) crossing the A21 both north and south of the crossing. (The Order Plans submitted with the application had the lines on the south side only.)
- 23.3 Entries in the Book of Reference (**RVR 22**) have been updated.
- 24. Objections to the application**
- 24.1 After the Order application was submitted, the Department for Transport (**DfT**) invited objections and other representations. Of the total of 1003 objections, 572 were templates, concerned with the potential impact of the proposed A21 level crossing, and were submitted to DfT by a single objector (OBJ/25).
- 24.2 RVR wrote to each objector<sup>2</sup>, explaining its position in respect of each of the grounds of objection and inviting further engagement. Few objectors engaged in further correspondence or have since withdrawn their objections. RVR's response on each of the key grounds of objection is set out below. Further information on RVR's case in relation to key topics, e.g. the economic benefits case, is set out in the relevant sections of the Statement of Case relating to them, this proof, and the proofs of evidence of the relevant witnesses on behalf of RVR.

**Table 2 – breakdown of objections**

<b>Main issues raised by objectors</b>	<b>No. of objections raising this issue</b>
Impacts on traffic, including related to level crossings	341 (and 572 template forms)
Environmental concerns	293
Compulsory powers (including impacts on the farming businesses of the landowners)	249
Flood risk	195
No economic benefit/economic harm	166
Lack of parking in Robertsbridge	159
Safety risk at level crossings	138

<sup>2</sup> In the case of the 572 template objections, a single letter dated 30 May 2018 was sent to the details provided by OBJ/25 which elicited no response.

Documents inadequate or out of date	59
Bridleway effects	8

*Template objections relating to impacts on A21*

- 24.3 572 objections were templates, concerned with the potential impact of the proposed A21 level crossing, and were submitted to the Department by one objector (OBJ/25). Some names on the template forms were illegible and the Department logged those objections under “The Occupier”. The majority of the template objectors had no obvious connection with the area and a newspaper article at the time indicates that a large number of signatures were solicited from motorbike riders visiting the coast during the May bank holiday [RVR/W1/2-9].

**25. Responses to objector issues**

- 25.1 RVR’s response in respect of each of the key grounds of objection (as shown in Table 2 above) is described in the Statement of Case and, more particularly, in the evidence of RVR’s relevant consultant.

**25.2 Impacts on traffic**

- 25.2.1 The issue raised by the largest number of people relates to the duration of road closures during operation of the level crossings and resulting delays to users of the road network, in particular the A21, and attendant safety concerns relating to the use of the level crossings.
- 25.2.2 As described in the evidence of Philip Hamshaw [RVR/W3/1], the effect of the level crossings on traffic flow and road safety, particularly on the A21 trunk road, has been extensively assessed. It was one of the matters considered by the local planning authority prior to deciding to grant planning permission and has more recently been scrutinised by Highways England.
- 25.2.3 The A21 crossing gives rise to the longest potential delays, that being the busiest of the three roads. However, the assessments carried out in demonstrate that, even on the A21, the operation of the level crossing will have a negligible effect on traffic flow. Even allowing for 10 crossings per day, the A21 would only be closed for a maximum of 12 minutes and this would be far from a daily occurrence. Philip Hamshaw’s evidence explains this in more detail and confirms that HE is satisfied that the crossing will have a negligible effect on traffic flow.
- 25.2.4 There is also a distinction to be drawn between a crossing on the mainline railway network, managed from a remote control centre, on which long trains may travel at high frequency and high speeds with extended braking distances and the proposed low-density, low speed operations on the heritage railway. This is explained in the evidence of David Keay [RVR/W8/1].
- 25.2.5 Once the Order is made, the details of the crossing infrastructure and operational requirements will also be subject to further agreement with the ORR before any operations can commence and it is envisaged that, in accordance with article 15 of the draft Order, agreements as to maintenance will be entered into with the relevant highways authorities.

- 25.2.6 The ORR, which is the statutory body with responsibility for railways, including heritage railways, did not object to the application for planning permission for the Missing Link nor to the application for the Order. Following submission of the application for the Order, the ORR referred the matter of the proposed level crossings to its expert panel, which concluded that the level crossings can be operated safely. (See ORR's Statement of Case.)
- 25.2.7 No concerns were expressed specifically regarding the safety of the proposed level crossing of Northbridge Street. With regard to the Junction Road crossing, ESCC is the responsible highway authority, and has expressed no concerns about the proposed Order powers. Indeed, as referred to in paragraph 21.2 above, RVR developed proposals in consultation with ESCC to introduce a 40mph speed limit along Junction Road either side of the anticipated level crossing. ESCC approved the TRO but RVR has not implemented this work and the TRO was not sealed. RVR will re-apply once the Order is made.
- 25.2.8 Some objectors have expressed concern that the proposed level crossing over the A21 would prejudice future improvements to the A21. At no stage has it been part of Highways England's objection to the Order application that it would frustrate future dualling of the A21 or that it has any proposals for improvements to the A21 at this location.
- 25.3 Environmental effects and adequacy of environmental information**
- 25.3.1 The next biggest concern was environmental impacts. These included: impact on the High Weald Area of Outstanding Natural Beauty; flood risk; air, water and noise pollution; and damage to local ecological habitats.
- 25.3.2 In addition to comments in respect of specific elements of the environmental assessment of the Order scheme, numerous objections also included the wider assertion that the environmental documentation submitted with the application was inadequate and/or out of date. This assertion is refuted.
- 25.3.3 The Environmental Statement (ES) submitted in support of the application for the Order was originally prepared by Temple for the purposes of the planning application for the Missing Link. Temple is a highly reputable consultancy, and expert in this field.
- 25.3.4 As it was not possible to gain access to farmland to carry out surveys, the original assessment was carried out using information from a variety of sources and adopted a precautionary approach, based on a reasonable worst case, to ensure that its conclusions would be robust. The methodology utilised for the assessment is well-recognised.
- 25.3.5 The ES with its Addendum was submitted to the Secretary of State for Transport prior to the application being made, and the Secretary of State issued a Scoping Opinion (**RVR 64**) which confirmed that, subject to further assessment of landscape and visual amenity, the environmental information provided to him would provide an Environmental Statement of sufficient scope for the purposes of a Transport and Works Act application. That further assessment (see ES Addendum, October 2017 at **RVR 28**) explained how the restoration of the railway accords with the objectives of the AONB Management plan and how the clear local benefits of the proposals would be fully in accordance with the wider objectives for the area as described in the AONB Management Plan's policies.
- 25.3.6 Thus, the environmental information submitted with the application was compliant with the requirements of the Scoping Opinion and was thorough and extensive. Following the applicant's formal submission on the proposed level crossings to the ORR's expert panel that additional information was also put in the public domain.

- 25.3.7 Prior to the adjournment of the Inquiry, I instructed RVR's consultants to carry out a revalidation of the ES. Subsequently, the Inspector made a Rule 17 direction. Further Environmental Information (**FEI**) was produced and consulted upon. The submission of the FEI on 8 March 2021 included the general re-validation of the original ES. The evidence of Rob Slatcher [**RVR/W5/1**] and Giles Coe [**RVR/W6/1**] will address in detail the adequacy of environmental impact assessment undertaken and the reporting of any effects arising on environmental, and ecological, matters as a result of construction and operation of the Order scheme. My evidence merely addresses the key objection points.
- 25.3.8 It is clear from the extensive work carried out by world class consultants in their respective fields that the objections to the scheme on environmental grounds are quite simply not made out and that the majority of objectors to the scheme can take comfort from the fact that the railway will bring enormous benefits to the area with few downsides.
- 25.4 Impacts on the High Weald AONB**
- 25.4.1 Concerns were expressed in general terms about potential impacts on the AONB in which the Order land is located. The Order scheme is compatible with the High Weald AONB Management Plan and the High Weald Joint Advisory Committee, being the body with overall responsibility for the protection of the area, was consulted on both the Planning Application and the Order and has no objection to the Order being made. Further information is to be found in [**RVR/W1/2-10**], [**RVR/W5**] and (**RVR 56**).
- 25.4.2 It is in the interests of the heritage railway to maintain the character of the area through which it will pass; not least because it is these character features that will be a major attraction for visitors to it. Natural England, which is the body with overall responsibility for the natural environment, has been consulted on the application, and had no objection to the Order being made. RVR's ecologists will continue to engage with the ESCC county ecologist and local planning authority to ensure that the development is carried out in accordance with relevant planning conditions.
- 25.5 Air quality and contamination**
- 25.5.1 A number of objectors expressed concern about possible air quality impacts arising from delays at level crossings and some raised concerns about air quality impacts arising from the use of steam and/or diesel locomotives. Rob Slatcher's evidence [**RVR/W5/1**] describes the air quality assessments carried out as part of the environmental impact assessment and re-validation exercise and confirms that there are no likely significant air quality impacts arising from the construction or operation of the scheme.
- 25.5.2 Some objectors were concerned about possible contamination from the railway. The reinstatement of the railway must be delivered in accordance with planning conditions 12 and 13 of the March 2017 Planning Permission for the avoidance of contamination. The Construction Environmental Management Plan will include appropriate pollution prevention measures and must be approved by the local planning authority before construction commences. RVR has a proven track record as a careful and considerate contractor.
- 25.6 Flood risk**
- 25.6.1 Concerns have been expressed about potential increased flood risk as a result of the Order scheme. Extensive work was done in relation to this in advance of the grant of planning permission and, at the request of the Inspector, a new flood risk assessment has been carried out, which brings the information fully up to date with current guidance. The evidence of Suzanne Callaway confirms that although the proposed railway embankment forming part of the Order scheme does increase the net volume of land

within the floodplain, work undertaken to assess the flood risk demonstrates that the proposed embankment does not significantly impact on flood volumes and levels. In addition, the flood modelling used in the assessment has demonstrated that the Order scheme will not cause flooding elsewhere. No new receptors are at risk of flooding, changes in predicted flood levels are small and there is no overall change in flood risk.

## **25.7 Other environmental impacts**

- 25.7.1 Other, specific environmental impacts were recorded as concerns, including litter from tourists and other visitors to the Order railway and disruption during construction. Disruption during construction is addressed in the evidence of Rob Slatcher **[RVR/W5/1]**. Litter has not been identified as a likely significant issue for the K&ESR and there is no reason why it should be for the Missing Link.

## **25.8 Use of compulsory purchase powers**

- 25.8.1 Many objectors expressed concern about the potential exercise of compulsory powers for a heritage railway, and the impact on the farmers concerned. Compulsory acquisition of land by RVR is regarded as a last resort. Much of the land required to reinstate the railway between Bodiam and the terminus at Robertsbridge has already been acquired by private treaty.
- 25.8.2 It is the applicant's case that there is a compelling case in the public interest for conferring compulsory powers to allow the reinstatement of the railway across the land between Northbridge Street and Austen's bridge, because of the very significant benefits that will flow to the area from the reinstatement of the railway. It is notable that the Order has the support of the local Member of Parliament, Network Rail Infrastructure Limited, ESCC, Kent County Council, RDC, Ashford Borough Council and Tenterden Town Council, as well as other organisations with responsibility for tourism in the area, 1066 County, My Tenterden and the National Trust. The application also has the express support of RailFuture and the Heritage Railway Association. The grant of such powers does not mean that RVR will use them if it is possible to secure, by agreement, the interests in land necessary to implement the development but it ensures that the scheme can be implemented.
- 25.8.3 RVR has sought to engage constructively with the owners of Parsonage Farm and Moat Farm. Representatives of RVR have met with the owners and their agents on a number of occasions to explore the terms on which the land could be made available. This has included the making of written offers to purchase the railway corridor at a price significantly higher than the market value. RVR has also offered to purchase additional land to help compensate for the impact of the railway. It has also offered to undertake, and pay for, a joint assessment by an independent valuer of the effect on Parsonage Farm of the effect of the railway. RVR will continue to seek to acquire the land by private treaty and to seek to discuss, and agree, mitigation measures with the landowners.

## **25.9 Impacts on farming activities**

- 25.9.1 In 2018 I commissioned a Farm Impact Report (see **RVR/W10/1** and **RVR 67, RVR 68**) to provide an objective assessment of the effects of the reinstatement of the railway on the landowners' farming businesses. The assessment determined that fields on Parsonage Farm lying north of the River Rother and in the immediate vicinity of the Order scheme will be materially affected in terms of agricultural activity. There will be more small areas of pasture (or even smaller areas of existing pasture) with some areas that are currently arable becoming pasture. However, the assessment concludes that the overall effect on the farming operation (including Redlands Farm and when taking into account also other land that is farmed by the landowner) will not be significant. There will be inconvenience in the immediate locality of the railway and it is likely that after

adjustments have been made to the farming operation there will be a small reduction in income/profitability.

25.9.2 In respect of Moat Farm, providing that at least one further access can be provided the effects will be relatively minor. Moving livestock will be a little less convenient but as no land is being lost and no fields are being severed the impact on the farming activities will not be significant.

25.9.3 Impacts on farming activities are addressed in the Farm Impact Report (**RVR 67 and RVR 68**) and are dealt with in the evidence of Peter Hodges [**RVR/W10/1**]. However, it is fair to say that the effects on the farmers' businesses are all capable of being fully compensated to the extent that they are not mitigated by practical measures such as the proposed accommodation tracks and crossings.

## 25.10 **Economic disbenefits**

25.10.1 Some objectors have expressed concern that the Order scheme will bring no economic benefit to Robertsbridge, Hastings and/or the surrounding area. Such objections are misconceived. The economic benefits of the Order scheme are considered at section 13 of this evidence and are addressed more specifically in the evidence of Tom Higbee [**RVR/W2/1**].

25.10.2 Separately, many objections have included a perjorative assertion that the Order scheme is merely a hobby railway. Such assertions are manifestly incorrect as evidenced by the conclusions in both the Steer Report (**RVR 09**) and the All Party Parliamentary Group on Heritage Rail Report (**RVR 31**).

## 25.11 **Parking**

25.11.1 A number of objections raise issues relating to impacts on existing parking capacity and congestion in Robertsbridge. The effect of the re-instated railway on visitor numbers to Robertsbridge and potential impacts on parking in the village are considered in the paragraphs below. Although not all visitors will arrive by train, this will now be an attractive method for people wishing to visit the railway as main line trains to Robertsbridge are frequent and reliable. Passengers will be able to walk easily the short distance from the main line station to Robertsbridge Junction station, as well as to and from the villages of Robertsbridge and Salehurst. It is therefore anticipated that the proximity of the heritage railway to the main line station will make it more appealing for people to leave their cars at home when visiting the area. There will be opportunities for K&ESR to use publicity materials and social media to encourage those visitors who wish to arrive by car to join the railway at one of the other stations where there is free car parking.

25.11.2 Concerns about parking in Robertsbridge are long-standing and have been discussed at length with the Parish Council and RDC. My understanding is that problems with commuters parking in the side streets around Robertsbridge Station were not addressed because ESCC, as highway authority, would not introduce restrictions until they were capable of being enforced. However, enforcement of parking restrictions in Robertsbridge has started following the coming into force of the Civil Enforcement of Parking Contraventions Designation (No. 2) Order 2020 (S.I. 2020/946).

25.11.3 For those visitors who do choose to arrive at Robertsbridge by car, there is a large Network Rail car park at Robertsbridge main line station, immediately adjacent to the Robertsbridge Junction station, with 124 spaces. A week-long survey found that on average only 38 spaces were occupied. Survey details are at [**RVR/W1/2-11**]. RVR has had preliminary discussions with Network Rail and the main line train operating company about special rates for the Heritage Railway users at weekends.

25.11.4 Concerns about the potential residential development of the former Hodson Mill site have been raised by objectors as adding to the Robertsbridge parking problems. If such development was brought forward, the developer would be required to take the railway re-instatement, and parking generally, into account before submitting a planning application. There is no such proposal at present.

#### **25.12 Bridleway effects**

25.12.1 Eight objections were made in respect of potential risks to users of the proposed bridleway crossing. It is worth noting that there are many user-worked crossings on the mainline railway network where there are very much faster, and more frequent, trains. The proposed bridleway crossing will be fully compliant with modern guidance and must be approved by the ORR before being brought into use. The other footpaths along the route do not cross at grade. Further information relating to the crossing of bridleways and footpaths is provided in the evidence of David Keay [RVR/W8/1] and Shaun Dewey [RVR/W9/1].

#### **25.13 Inadequacy of design details**

25.13.1 This issue was first raised in paragraph 3.9 of the statement of case of the landowners and is addressed in the evidence of Philip Hamshaw [RVR/W3/1] and David Keay [RVR/W8/1]. This is primarily a matter for legal submissions. I understand that it is a well-established principle that the level of detail that must be provided in a TWAO application should be sufficient to enable the Secretary of State to determine whether the scheme is acceptable and that its promoters ought to be given the powers that are needed to carry it out. Detailed design is not required for these purposes and it is for this reason that provisions for the protection of bodies such as the Environment Agency are included in Transport and Works Act Orders that affect their assets. These provisions allow for approval of detailed design and overview of construction once statutory authorisation has been received. In this case, the provision of accommodation crossings is a matter to be approved in principle by the making of the order and thereafter to be settled between the landowners and RVR, subject to ORR approval of the details.

### **26. Statements of Case**

26.1 Eight Statements of Case were submitted to DfT by objectors to the application for the Order:

26.1.1 Environment Agency (OBJ/178): this objection has been withdrawn save for legal submissions regarding one element of the protective provisions for the benefit of the EA; namely, whether there should be deemed refusal or deemed consent in circumstances where a request for approval of detailed plans is submitted but not given within the prescribed timescale;

26.1.2 Highways England (OBJ/782): since submission of the Statement of Case, there has been extensive and detailed engagement with HE as described in the evidence of Philip Hamshaw [RVR/W3/1].

26.1.3 an objection from Mr P Smith (OBJ/68) whose concerns relate to the A21 level crossing, including, specifically, issues of safety, traffic impact and the view of ORR. These issues are addressed in the evidence of Philip Hamshaw and David Keay [RVR/W8/1], and in the opinions of the ORR submitted to the Inquiry in 2020 (REP/017) and 2021.

26.1.4 an objection from Cllr Sally Ann Hart, on behalf of Eastern Rother Ward, Rother District Council, now MP for Hastings and Rye (OBJ/91), whose concerns relate to the economic basis for the Order scheme; to the A21 level crossing, including safety issues, impact on

the improvement of the A21 longer-term; and to parking issues in Robertsbridge. These are addressed primarily in the evidence of Tom Higbee **[RVR/W2/1]** and Philip Hamshaw **[RVR/W3/1]**.

- 26.1.5 an objection from Mr E Hardwick (OBJ/99) whose main concern relates to the impact on traffic in Hastings as a result of the A21 level crossing. This is addressed in the evidence of Philip Hamshaw **[RVR/W3/1]**.
- 26.1.6 an objection from Ms K Bell (OBJ/133) whose main concerns relate to a lack of socioeconomic benefit from the Order scheme; traffic congestion as a result of the A21 level crossing; and increased flood risk. These are addressed in the evidence of Tom Higbee, Philip Hamshaw and Suzanne Callaway.
- 26.1.7 a joint objection (OBJ/1002) from the Owners of Parsonage Farm and Trustees of the Noel De Quincy Estate, of Moat Farm, which included multiple grounds. The key themes are as follows:
  - 26.1.7.1 safety risks of three new level crossings – level crossing safety is dealt with in the evidence of David Keay **[RVR/W8/1]**;
  - 26.1.7.2 impacts on traffic and congestion – highway impacts are covered by the evidence of Philip Hamshaw **[RVR/W3/1]**;
  - 26.1.7.3 prevention of dualling of A21 – there are no such proposals. HE has responsibility for the strategic road network and at no time has this been part of HE's case;
  - 26.1.7.4 Increased flood risk –the evidence of Suzanne Callaway explains why this fear is misplaced **[RVR/W7/1]**;
  - 26.1.7.5 Impacts on ecological and arboricultural receptors and on the setting of the AONB – this is covered in the evidence of Giles Coe **[RVR/W6/1]**;
  - 26.1.7.6 adequacy of funding – see paragraph 5 of my evidence;
  - 26.1.7.7 inadequacy of design details – see paragraph 25.13 of my evidence and the evidence of Philip Hamshaw **[RVR/W3/1]** and David Keay **[RVR/W8/1]**;
  - 26.1.7.8 Socio-economic benefits – these are explained fully in the evidence of Tom Higbee **[RVR/W2/1]**; and
  - 26.1.7.9 Impact on landholding and farming operations – this is explained fully in the two Farm Business Impact Reports (**RVR 67** and **RVR 68**) and the evidence of Peter Hodges **[RVR/W10/1]**.
  - 26.1.7.10 Various other assertions are made by the Landowners in their objection and Statement of Case regarding RVR's conduct, both generally and in relation to this application. I have been involved in this project over a prolonged period and reject any suggestion that RVR has not acted entirely properly, and reasonably, at all times.
- 26.1.8 A Statement of Case was submitted by the then Councillor I Hollidge on behalf of Rother District Council (SUPP/177) in support of the Order scheme, noting that the Order scheme is in keeping with the Council's Development Plans and will bring significant benefits and employment to the area. Councillor Hollidge has recently been elected as an ESCC Cllr.

- 26.1.9 An opinion, called a Statement of Case, was submitted by the Office of Rail and Road (REP/017) which reports the opinion of its expert panel on the acceptability of the level crossings proposed in the Order scheme.

## **27. Representations following submission of Further Environmental Information (FEI)**

- 27.1 Only one representation was received in relation to the Further Environmental Information. The landowners wrote a letter to the Secretary of State dated 19 April 2021. However, the letter did not include any representations regarding the detail of the FEI and reserved the landowners' position on the information provided until delivery of the landowners' proofs.

## **28. Support for the scheme**

- 28.1 The Secretary of State received 219 letters of support for the scheme. RVR appended a number of letters supporting the scheme from key local stakeholders to its consultation report (**RVR 19**). These included letters of support from the local Member of Parliament; East Sussex County Council; Kent County Council; Rother District Council; Ashford Borough Council, the National Trust; 1066 Country and Network Rail. Support continues to be forthcoming from the local Member of Parliament, Huw Merriman MP, who is the Chair of the Transport Select Committee in Parliament. There are also many local residents and businesses who actively support the reinstatement of the railway.
- 28.2 The main grounds of support for the Order scheme as set out in letters of support submitted to RVR and, in particular, to the Secretary of State include:

### **Transport benefits**

- 28.3 A principal ground of support is that completion of the Missing Link will provide a significant transport benefit to the area and the wider rail network. It will provide a connection with the mainline rail network, facilitating direct access between Hastings, London, and stations in between to the rest of the Bodiam to Tenterden line. Network Rail (SUP/80) (**RVR 46**) praised the improved link to the mainline network and commented that it collaborated with RVR in building the interchange terminus at Robertsbridge. Some supporters stated that the improved connectivity will assist them in journeys they make personally, whilst many other supporters repeated that increased connectivity has clear benefits for facilitating tourism in the area. The organisation 1066 Country, for example, noted that visitors would now be able to access attractions in Bodiam, Northiam and Tenterden by public transport (**RVR 47**), and Tenterden Town Council (SUP/113) (**RVR 53**) commented that Tenterden will become a day trip destination from London.

### **Economic benefit, tourism, job creation and educational opportunities**

- 28.4 A large number of supporters praise the economic benefits of the proposed scheme. The Heritage Railway Association (SUP/187) (**RVR 49**) and RailFuture (SUP/114) (**RVR 50**) refer to the All Party Parliamentary Report on Heritage Railways highlighting the economic impact (£250 million), job creation (4,000) and tourism effects (10 million visits) (at 2013 values) contributed by heritage railways nationwide. The Heritage Railway Association comments, along with a number of supporters, that for RVR these benefits for would be experienced with minimal financial burden on the public purse.
- 28.5 Some supporters specifically cite the contribution made by other heritage railways to local economies, such as Bluebell Railway, Lynton Railway, Spa Valley Railway. Many have associated increased connectivity with an increase in tourism, and in turn increased economic impact.

- 28.6 National Trust supports visitor accessibility to Bodiam Castle, a National Trust property, and has noted that the connection will serve as an opportunity to market all-inclusive public transport and entrance arrangements, which will be substantial economic boost to the area (**RVR 19 Appendix 5**). More recently, it has written to re-state its support of the Order scheme (**RVR 51**).
- 28.7 Councillor Eleanor Kirby-Green of RDC (SUP/172) (**RVR 52**) wrote that the railway will be an attraction in itself and recalled that the Policy EM8 of the Rother District Local Plan was explicitly in favour of the scheme.
- 28.8 Supporters suggested that visitors will boost local businesses, cafes and restaurants. Others noted the beneficial local impact of the commissioning of contractors in the construction phase.
- 28.9 The letters of support comment that the scheme will create jobs and volunteer roles. In particular, Huw Merriman M.P. stated that he is “a firm supporter of the project”. He wrote that job creation is a key priority for him, and that the economic benefits will be a huge boost to the area (see **RVR 19 Appendix 3**).
- 28.10 Tenterden Town Council (SUP/113) (**RVR 53**) noted specifically that the intangible benefits provided by unpaid volunteer positions are significant.
- 28.11 In letters of support appended to the Consultation Report (**RVR 19**), Kent County Council, ESCC, RDC and Ashford District Council welcomed the Order scheme’s economic benefits owing to tourism and job creation. The organisation My Tenterden (SUP/108) (**RVR 54**) states “We need the 70+ new jobs, we need the projected £4.1 million a year the project will bring to the area and we need all the associated economic benefits”.
- 28.12 Several supporters noted also that the Order scheme will provide educational opportunities.

#### **Modal shift**

- 28.13 The modal shift from car to rail is praised by many. Supporters comment that it will have indirect beneficial consequences, including reducing traffic, car emissions, noise pollution and demand for parking. National Trust in particular supports the reduction in vehicles around Bodiam Castle which cause congestion on surrounding narrow roads (**RVR 19 Appendix 5**). 1066 Country also states that this shift will improve the area’s sustainability (**RVR 47**).

#### **Minimal impact on traffic and level crossing safety**

- 28.14 Many supporters have noted that there will be minimal impact on traffic on the three affected roads due to trains operating during off-peak times only. It has also been correctly observed that the level crossings will benefit from advanced technology and will make use of traffic calming measures. It has been suggested that there may even be a road safety benefit as the Robertsbridge level crossing will discourage cars accelerating after the roundabout. ESCC has written in support of the project, stating it is confident that RVR will work closely with Highways England and its own officers to minimise unwanted traffic impacts by agreeing a suitable timetable for the operation of the railway (**RVR 19 Appendix 11**). Supporters have also noted that there will be minimal or no safety risk at the level crossing, if operated correctly.

#### **Minimal environmental and flooding impact**

- 28.15 A number of the supporters expressed the views that environmental and flood impacts resulting from the proposed scheme would be minimal if not nil, because of the environmental and planning requirements under which the scheme would be constructed and operated, with appropriate mitigation. Councillor Eleanor Kirby-Green of RDC (SUP/172) (**RVR 52**) noted that objector concerns on ecology and flooding are dealt with by the Officer Report presented to the RDC planning committee on 17 March 2017 (**RVR 56**). Supporters have stated that it is a straightforward reinstatement with minimal environmental impact in any case.

#### **Parking**

- 28.16 A number of the letters of support refer to the adequacy of parking in Robertsbridge, stating there is adequate availability in the station car park.

#### **Land acquisition**

- 28.17 Some supporters point out that landowners have been aware of the line's potential reinstatement since its original closure, and that the railway will bring minimal intrusion to landowners. Network Rail (SUP/80) stated that in its view the economic and wider public transport benefits of the scheme greatly outweigh any objection to the use of necessary compulsory purchase powers.

### **29. Summary and Conclusions**

- 29.1 I have been closely involved in the project since 2013, throughout the planning process and subsequently throughout the procedure to secure statutory powers for the Missing Link.
- 29.2 Planning permission for the Order scheme was unanimous, and the scheme is consistent with planning policy at all levels.
- 29.3 It is a development that will bring significant economic and wider public transport and societal benefits without any major disadvantages.
- 29.4 I am disappointed that, despite strenuous efforts, it has not been possible to secure all the land for the scheme by consent, but the evidence demonstrates that there is a compelling case in the public interest for the grant of compulsory powers to support the implementation of the development. The Farm Business Impact reports demonstrate that impacts on the two affected farms will not be significant. The provision of suitable and appropriate accommodation crossings will reduce the severance resulting from the railway and residual impacts are capable of being fully compensated.
- 29.5 The environmental information submitted with the application was compliant with the statutory requirements and, in particular, met the requirements as to scope and content of the Secretary of State's Scoping Opinion. Since then, an enormous amount of additional work has been carried out as a result of engagement with the ORR and Highways England, as part of a revalidation exercise of the original ES and to comply with the Rule 17 direction given by the Inspector appointed to hear the Inquiry. It is abundantly clear from the extensive work carried out by world class consultants in their respective fields that the Order scheme has only limited environmental downsides.
- 29.6 The work done to date has been carried out with care and attention to detail. The new station will provide an attractive new visitor destination for Robertsbridge, conveniently situated adjacent to the existing main line station.

- 29.7 The Missing Link will include 4 crossings of the public highway, all of which have been scrutinised by the Office of Rail and Road. The ORR is satisfied that each of the road crossings meets its exceptional circumstances criteria. It is also worth noting that there will be a limited number of train movements during part only of the year and these will be carefully controlled to ensure that all risks are kept as low as reasonably practicable, using top of the range crossing apparatus. Extensive collaboration with Highways England has resulted in a set of agreed comprehensive protective provisions for the A21 and detailed technical work has been carried out to meet all Highway England's requirements and to ensure that the safety and efficiency of the A21 will be preserved.
- 29.8 The project to date has been funded at no expense to the public purse. There has been a high level of commitment demonstrated by philanthropic donors and there is no reason to suggest that this will not continue. Further guarantees as to the financial security of the project are provided by the pre-commencement financial stipulations in both the planning permission and the protective provisions for the benefit of Highways England. I fully expect the Missing Link to be constructed as soon as is reasonably practicable following the making of the Order, bringing much needed investment and job creation to the area in the wake of the coronavirus pandemic.

### 30. List of Appendices

<b>RVR/W1/2-1</b>	<b>K&amp;ESR Articles of Association - extract</b>
<b>RVR/W1/2-2</b>	<b>Email from ESCC in respect of traffic calming measures, 27 June 2018</b>
<b>RVR/W1/2-3</b>	<b>Extract from National Trust Annual Report 2019/20</b>
<b>RVR/W1/2-4</b>	<b>Summary of expenditure on reconstruction</b>
<b>RVR/W1/2-5</b>	<b>Email on behalf of Secretary of State for Transport in respect of bridges managed by HE HRE , 28 January 2021</b>
<b>RVR/W1/2-6</b>	<b>Summary of engagement with landowners</b>
<b>RVR/W1/2-7</b>	<b>Letter from Environment Agency to SoS for Transport, 26 March 2019</b>
<b>RVR/W1/2-8</b>	<b>Letter from ORR to RVR, 20 January 2012</b>
<b>RVR/W1/2-9</b>	<b>Newspaper article, Hastings &amp; St Leonards Observer, 10 May 2018</b>
<b>RVR/W1/2-10</b>	<b>Email from High Weald AONB Unit, 30 May 2012</b>
<b>RVR/W1/2-11</b>	<b>Robertsbridge Station car park survey, 2012</b>
<b>RVR/W1/2-12</b>	<b>Letter from Rother District Council to RVR, 9 April 2019</b>