

TRANSPORT AND WORKS ACT 1992  
PROPOSED ROTHER VALLEY RAILWAY (BODIAM TO ROBERTSBRIDGE  
JUNCTION) ORDER

Ref: APP/K3605/W/19/3235260

HIGHWAYS ENGLAND  
SUMMARY PROOF OF EVIDENCE OF PAUL WILLIAM HARWOOD  
BSc CEng MICE MCIHT

Date: 07 June 2021

IMPACT OF THE PROPOSED DEVELOPMENT ON THE A21 TRUNK ROAD  
POLICY, LAND AND CONSENTING MATTERS

## TABLE OF CONTENTS

Subject		Page
1	Qualifications and Experience	3
2	Scope of Evidence	4
3	Summary of Highways England's Position	6
4	Conclusion	7

**Summary Evidence of Highways England Witness Paul William  
Harwood BSc CEng MICE MCIHT**

**Qualifications and Experience**

1. I am a Chartered Engineer, a Member of the Institution of Civil Engineers and a Member of the Chartered Institution of Highways and Transportation. I hold a Bachelors' degree in Civil Engineering. I am currently the Regional Lead for Spatial Planning in the Guildford office of Highways England covering London and the South East.
2. I have been employed by Highways England and its predecessors for over forty years. For a large proportion of that time my duties have involved the interface between the trunk road network and the spatial planning system.
3. I have acted as an expert witness at a number of Planning Inquiries and Local Plan Examinations in Public, most notably the Planning Inquiries into the Blue Water Park Shopping Centre and the Kent International Gateway Rail-freight Interchange.
4. I am familiar with the site and its surroundings, the local and strategic road networks in the vicinity and insofar as they relate to highway matters.

## Scope of Evidence

### *Highways England*

5. Highways England is an arms-length, government-owned company wholly owned by the Secretary of State for Transport. It came into being on 1 April 2015. Highways England is the successor organization to the Highways Agency which was an Executive Agency of the Department of Transport.
6. Section 1(1) of the Infrastructure Act 2015 provides that the Secretary of State may appoint strategic highway companies and Section 6(1) that the Secretary of State may from time to time give a strategic highways company directions or guidance as to the manner in which it is to exercise its functions. Highways England has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Act and is the highway authority, traffic authority and street authority for the Strategic Road Network in England (“the SRN”). The directions and guidance to Highways England under Section 6(1) are in the form of a Licence (Appendix A). The Licence constitutes statutory guidance except where the word ‘must’ is used, in which case those passages constitute statutory directions (para 2.1 of the Licence). The A21 to the north and south of the point where the proposed development crosses that road forms part of the SRN.
7. Para 4.1 of the Licence sets out that the SRN is a critical national asset which Highways England is under statutory direction from the Secretary of State to operate and manage in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.
8. Highways England is therefore concerned with proposals that have the potential to impact safe and efficient operation of the A21.
9. Highways England’s assessment of The Rother Valley Railway (Bodiam to Robertsbridge Junction) Order (“the proposed Order”) is also guided by:

- a) Department for Transport Circular 02/13 *The Strategic Road Network and the Delivery of Sustainable Development* (RVR/HE/07, RVR Core Documents Library).
- b) Relevant other government policies but, in particular, the current National Planning Policy Framework (dated February 2019) (RVR/HE/06, RVR Core Documents Library) and within that paragraph 109 which states: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe* and should be taken as superseding paragraph 9 of Circular 02/13 where it states: *However, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

10. Highways England's evidence will therefore focus on those aspects of the proposed railway relating to the A21 Trunk Road.

#### My evidence

11. My evidence addresses the following issues: policy, land, and consenting matters.

I will elaborate on the following points in more detail:

- a) Respective Responsibilities of the Office of Road and Rail and Highways England
- b) The Policy of the Secretary of State
- c) History of Involvement in The Project by Highways Agency/Highways England
- d) Matters We Understand to be Agreed with Rother Valley Railway (RVR)
- e) Matters Remaining Under Discussion with RVR
- f) Statement of Common Ground

12. My colleague Mr. David Bowie will provide evidence on technical matters, within his proof of evidence (OBJ782/W2/1).

## Summary of Highways England's Position

13. Highways England's Statement of Case (OBJ/0782) was submitted to the Inquiry on 20 September 2018. In the intervening period there has been considerable discussion between Highways England and RVR. This has allowed a number of issues identified in Highways England's Statement of Case to be addressed. However, a number of matters remain to be agreed and Highways England's objection to the proposal remains.

14. Draft Statements of Common Ground have been exchanged between RVR and Highways England. The latest version at the time of writing (dated 31 May 2021) was prepared by Highways England and is in the Inquiry library under reference RVR/HE/03. We wish to enter into an agreed Statement of Common Ground with RVR. At the time of writing this appears some way off being concluded.

15. A number of matters remain subject to further discussion these are set out in the draft SoCG, but the list is not necessarily comprehensive. Of most significance is that the decision as to whether to agree a Departure from the Design Manual for Roads and Bridges (DMRB) is still under review within Highways England pending various clarifications and additional information requested from RVR. These are set out in document (RVR/HE/02) within the Inquiry library. Mr. Bowie's evidence will deal with this in detail.

a) Highways England continues to object to the proposed Order for the following reasons:

a) Highways England considers that the installation of a level crossing on the A21 will be detrimental to safety on the A21;

b) The design of the proposed railway where it crosses the A21 Trunk Road does not conform to the Design Manual for Roads and Bridges

16. While the above issues may be capable of being overcome, at present Highways England maintains a clear objection to the appeal proposal.

## **Conclusion**

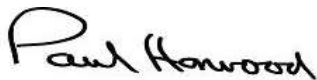
17. Highways England submitted its statement of case on 20 September 2018 (OBJ/0782). In the intervening period RVR have produced significant amounts of the material missing from the original Transport and Works Act Order that was required to establish the impact of the proposal on the A21 Trunk Road.

18. Highways England understands that a number of matters set out in the statement of case are now agreed with RVR. Highways England is engaged with RVR with a view to agreeing a Statement of Common Ground (RVR/HE/03).

19. Nevertheless, major points are not yet agreed, particularly in respect of whether the risks of the proposed level crossing of the A21 are tolerable and, that being the case, as low as reasonably practical. RVR have not yet completed the Departures and Road Safety Audit processes within the DMRB.

20. Highways England's objection to the proposed development is maintained until such time as we can be satisfied that all the points in our Statement of Case have been satisfactorily addressed by RVR.

21. Highways England will seek to work with RVR with a target to resolve all matters between us before the end of the Inquiry.



Paul William Harwood, BSc CEng MICE MCIHT

Regional Lead for Spatial Planning

7th June 2021