

Rother Valley Railway (Bodiam to Robertsbridge Junction) Order

Rebuttal Proof of Evidence: Philip Hamshaw MSc
MCIHT CMILT

(RVR/W3/4 – REBUTTAL)

i-Transport Ref: PH/JN/ITL14477-024A

Date: 21 June 2021

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SECTION 1 INTRODUCTION

- 1.1 This rebuttal addresses certain points where a response in writing may assist the inquiry. The fact that other points are not specifically responded to does not mean that they are agreed.

SECTION 2 HIGHWAYS ENGLAND

2.1 Evidence of Paul Harwood

Paragraph 33

- 2.1.1 It is not accepted that RVR has not produced an appropriate set of general arrangement drawings. Mr Harwood's evidence on this point is at odds with paragraph 78 of Mr Bowie's proof where he states that *"Robertsbridge Bypass General Arrangement 23905-ARP-XX-XXDR-CH-0001 (RVR/74-01, Core Document Library), the level of detail provided is sufficient to show the General Arrangement of the proposals."*

Paragraph 51

- 2.1.2 It is noted that Mr Harwood's case – put at its highest – is that an exception to the presumption in favour of a connection to the strategic road network cannot be ruled out. He does not suggest that there is such a case. He accepts that this is something that can only be established when the Departure and Road Safety Audit processes have run their course; both of which are provided for as part of the approval of detailed design information prior to commencement of works in the draft protective provisions worked up with Highways England.

2.2 Evidence of David Bowie

- 2.2.1 At Section 8 of Mr Bowie's proof he comments on some of the 33 items identified by the Safety, Engineering & Standards (SES) division within HE in their review of the Departures submission. Mr Bowie is not a member of the SES team. Mr Bowie notes at paragraph 53 that he will *"focus on those items which are considered more onerous to satisfactorily resolve"*
- 2.2.2 Since his proof was prepared, I have attended (on 9 June) a productive meeting with the SES team (and other HE personnel) considering the outstanding points on the Departures submission. Mr Bowie was present at the meeting.
- 2.2.3 At the meeting an agreed way forward was reached on each item and the associated tasks are currently being completed by the RVR team. All of the items can be resolved and I fully expect the Departures submission to be successful in due course. That does not mean that the next

iteration will necessarily satisfy the Departures team on each point, but that the gap will close, and keep closing, until all residual concerns are addressed and the application is successful.

- 2.2.4 I do not seek to address each comment made by Mr Bowie individually and, as stated above, where I do not do so this should not be taken to mean that I agree with Mr Bowie's evidence.

Paragraph 58

- 2.2.5 Mr Bowie states that there is no certainty when any new surveys can be undertaken. There is no requirement to undertake new surveys; it has been agreed with SES that more comprehensive detail of previous surveys will be provided to demonstrate the suitability of the data and that it provides a robust assessment.

Paragraph 72

- 2.2.6 Mr Bowie notes that the queue lengths noted in correspondence with ORR differ from those contained in the i-Transport report (ITL14477-016, contained at my Appendix E – RVR/W3/2). The two are not comparable. They are based on different barrier down times, different traffic data and different assessment methodologies.

- 2.2.7 Those queue lengths presented in the i-Transport report have been audited and accepted by HE. The original ORR submission pre-dates (January 2020) the assessments in the i-Transport report (February 2021). I understand that the updated submission to ORR (Appendix A, REP/017-1) was submitted to clarify the type of crossing equipment proposed for the A21.. As ORR note in their original submission "wider" road safety issues are for HE to comment upon. Queuing is a wider road safety issue upon which I have engaged at length with HE as set out in my evidence.

Paragraph 76

- 2.2.8 I note that Mr Bowie suggests that a Road Safety Audit can be expected to take 4 to 6 weeks from formal instruction. In my experience it can be achieved in less than 2 weeks. A Road Safety Audit is one step in the approvals process and it was agreed with the HE team on 9 June that this will be done after the completion of the Departures process (at which point I understand HE will withdraw their objection). It is common ground that the RSA Brief and Audit teams are agreed (RVR/HE/03). All that is required is for Mr Harwood to instruct the

(already approved) audit team to fulfil the brief that he has already approved. Mr Bowie indicated in a meeting on 16 June that HE could turn around the instruction with one working day.

Paragraphs 77

- 2.2.9 Mr Bowie notes the "Drawings have been considered as submitted". He then goes on to make a number of comments on drawings that have been submitted to HE previously and accepted by them. None of the comments draw any conclusion. All can be discussed and resolved in subsequent design stages.

Paragraph 88

- 2.2.10 Assessments of the operation of the A21 level crossing accepted by HE (Appendix E RVR/W3/2) demonstrate that the proposed level crossing will not materially delay traffic on the A21. Discussions are continuing with HE to confirm agreement within the SoCG.

Paragraph 98

- 2.2.11 It is notable that Mr Bowie refers to "safety impacts" but his evidence has not attempted to make a case that there are any potential safety impacts of a severity that would preclude the implementation of the level crossing.

SECTION 3 OBJECTOR 1002

3.1 Evidence of Ian Fielding

Paragraph 2.1.2

- 3.1.1 My understanding is that, pursuant to the draft Order, FP31 is subject to street works (Schedule 3). Article 11 (Stopping up of street) permits RVR to stop up FP31 between P1 and P2 on Sheet 3 of the Order plans and to replace it with a route via P1, P4 and P2 under the railway (with a temporary diversion via P1, P3 and P2). There is no level crossing.

Paragraph 2.3.3

- 3.1.2 Paragraph 2.3.3 and Table 2-1 miss out the technical information submitted to the Inquiry alongside the further environmental information on 8 March 2021 and since re-numbered as core documents RVR/74-01 to RVR/74-06.

Paragraph 3.2.9

- 3.1.3 Mr Fielding states that he is unclear whether the traffic flow information in the FEI is the same as submitted to HE by me. I can confirm that it is. The revalidation of the ES took account of the most up to date information.

Paragraphs 3.2.16 and 3.6.1

- 3.1.4 There is no suggestion – and it forms no part of HE’s case – that the A21 at this location is at or near capacity. The A21 forms part of the South Coast Central Route Strategy review which also includes the A3, A23, A27 and A259. The route strategy is programmed to be developed over the next two years to inform investment in the period 2025 and beyond.

Personal Injury Accident Data (paragraphs 3.2.25-3.2.29)

- 3.1.5 Since the completion of my evidence I have obtained up to date accident data for the A21 which covers the most recent five year period for which data is now available to end of March 2021. A technical note summarising the change in data is attached at Appendix A.

- 3.1.6 In summary:

- There were still no recorded injury accidents on the A21 around Robertsbridge;
- There were still 4 injury accidents at the Robertsbridge roundabout during the 5 year period;
- Notably, there were no serious injury accidents at Robertsbridge roundabout compared to the one which occurred in the previous assessment period. All injury accidents resulted in slight injuries.

3.1.7 The safety record of the A21 Robertsbridge roundabout has improved.

Paragraph 4.1.3

3.1.8 RVR has acquired by agreement land between Bodiam and Junction Road, Junction Road and Austen's Bridge and from Northbridge Street to the new station. The only land that it has not been possible to acquire by agreement is that in the ownership of OBJ/1002. I understand that it is factually incorrect to say that the railway has been completely removed, as the original historic embankment remains in situ on Moat Farm.

Paragraph 4.1.17 et seq.

3.1.9 Mr Fielding refers to inconsistencies regarding train speed and closure times. These are matters that have been worked up in consultation with the relevant bodies who have statutory responsibility for the railway and road concerned, and to their satisfaction. Mr Keay's rebuttal explains why the evidence of Philip Clark is flawed.

Sections 6.2 to 6.4

3.1.10 The ORR and HE have both provided information on their respective positions to the Inquiry. The ORR is satisfied that the road crossings can be operated tolerably safely and indicate that there are acceptable solutions for the bridleway and proposed accommodation crossings. The HE has indicated through its counsel at the Pre-Inquiry Meeting that it will withdraw its objection once it is in a position to issue a Departures approval.

3.1.11 East Sussex County Council as highway authority has confirmed (REP/18) they do not object to the TWAO subject to satisfactory discharge of the planning conditions. Discharge of relevant planning conditions will take place at the appropriate time.

Paragraph 6.3.8 - 9

- 3.1.12 The Highways Agency did not determine to recommend refusal but rather considered it appropriate to direct conditions that, as stated in the reasons given for them, would ensure the safety and efficacy of the A21 and protect the position of the Secretary of State for Transport. It will be for RVR to secure the discharge of the relevant conditions from the local planning authority in the usual way. This cannot be done until RVR has control of the Order land.

Paragraph 7.3.3

- 3.1.13 Mr Fielding refers to the timetable presented in RVR34 which dates back to 2011. This was a draft expected timetable presented prior to planning permission being granted. Planning conditions imposed on the subsequent grant of planning consent restrict the hours of operation. Thus, it will be a requirement for the timetable (when determined) to observe these restrictions.

Paragraph 7.3.10

- 3.1.14 Mr Fielding refers to yellow box road markings on the Robertsbridge roundabout. These are not proposed, but rather "Keep Clear" road markings (RVR/74-02). Nonetheless, the implications upon the operation of the existing signalised pedestrian crossing north of the roundabout has been assessed and accepted by HE (Technical Note ITL144777-018, Appendix E, RVR/W3/2).

Paragraphs 7.3.45 – 46

- 3.1.15 The short extension of the existing 40mph speed limit on the A21 has the support of the Surrey & Sussex Police (see RVR/W3/5, Appendix A). The road user will be visually aware of the presence of a level crossing, new warning signage on the approach and extended street lighting. All of which will influence the speed of the driver.
- 3.1.16 The visibility of the level crossing and any associated queues is shown (Appendix G, RVR/W3/2) to be commensurate with the requirements of DMRB (referred to at paragraph 7.3.47 of Mr Fieldings evidence) based on the current speed limit extents. In other words, visibility northbound is achievable for 60mph vehicle speeds on the approach to the level crossing location.

Paragraph 4.3.76

3.1.17 Assessments of the operation of the A21 level crossing accepted by HE (Appendix E RVR/W3/2) demonstrate that the proposed level crossing will not materially delay traffic on the A21. Discussions are continuing with HE to confirm agreement within the SoCG.

Paragraph 4.3.77

3.1.18 Item 3 of the SES review of the departure submission (RVR/HE/02) requests information on the impact on road user safety due to traffic potentially diverting. Information has been provided. Traffic will divert if there is a practical ability to do so and it would have a genuine saving in journey time. The only realistic diversion would be between the A21 and Northbridge Street (through Robertsbridge). Currently the journey time is approximately 3 minutes longer via Northbridge Street.

3.1.19 Both Northbridge Street and the A21 would have level crossings. Thus, there is no clear advantage to journey time in diverting. In practical terms drivers will only be aware of any impending delay on approach to either crossing¹ and with the exception of the southbound approach on the A21 (where the Robertsbridge roundabout provides an ability to divert) drivers will not have a realistic ability to switch routes.

3.1.20 Thus, it is expected that very few, if any, vehicles would divert to alternative routes as a consequence.

Robertsbridge Station Car Park

3.1.21 As I understand it Robertsbridge Station will not become the main visitor access for the extended heritage railway with the exception of visitors reaching the railway via mainline rail

¹ satellite navigation systems rely on mobile phone data to determine delays. The short time period and infrequent closure are unlikely to register on mobile phone data unlike conventional traffic signals which have a continuous cycle of red and green.

connections. More extensive visitor facilities will continue to be provided at Tenterden, where free parking is available.

- 3.1.22 Mr Fielding refers to a parking survey in March 2019. However, no details are provided of the survey times or specific date. No data is provided. A March weekday is not representative of car parking demand at times when RVR would be operating services from Robertsbridge (there were no weekday services on the KESR in March 2019). Further, it is noted that Network Rail, which supports the scheme, has expressed no reservations about parking capacity at its mainline station. The busiest times for RVR will be during the summer months/at weekends when commuter parking demand is generally lower. In any event, the Travel Plan required by the planning conditions attached to the development consent specifically requires parking limitations and on street parking concerns to be addressed to the satisfaction of ESCC.

Paragraph 7.8.11

- 3.1.23 It is common ground with HE that *“Traffic flows on the A21 have not materially changed from those in the original Environmental Statement”*.

3.2 Evidence of Philip Clark

- 3.2.1 I have reviewed Section 6 of Mr Clark’s evidence. The WCHAR has been prepared and accepted by HE in accordance with their requirements (GG142, DMRB) .

APPENDIX A. Letter from Surrey & Sussex Police

See RVR/W3/5

