

TRANSPORT AND WORKS ACT 1992

THE TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

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

REBUTTAL EVIDENCE OF JONATHAN PORTLOCK

1. This rebuttal addresses certain points of third party evidence 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.

REBUTTAL OF EVIDENCE OF DAVID BOWIE (OBJ/781/W2/1)

2. Section 11 – Impact to Highway Structures – refers to the kind of engineering work required by Highways England during the preliminary design stage of a project. This is not disputed, and it is noted that Mr Bowie does not seek to make a case that the work referred to in paragraph 92 has not been done. In paragraph 95 he both asserts that the latest RVR submission on the structural elements has insufficient clarity whilst simultaneously admitting that the matter has yet to be concluded. This is understood to be a reference to the Departures submission. Mr Bowie has not played any part, until very recently, in the working up of the submission in discussion with the Highways England (HE) team and, of course, is not a member of the panel assessing the Departures submission. The Departures submission does not assess the structural integrity of the A21 bypass, but there is no positive claim from HE that the proposal will harm the bypass. The engineering work to be provided in future stages of the scheme will provide evidence for approval by HE that the scheme does not harm the structural integrity of the bypass.
3. Paragraph 93 – Mr Bowie does not mention that the geotechnical information and Ground Investigation Report will be considered by HE outside the Departures process, and it was agreed by their Mr Harwood that it need not be done yet. This work is not required in order for there to be a successful Departure submission and is not a ground of HE's initial objection or Statement of Case. It is covered by the detailed design requirements in the proposed protective provisions for HE.

REBUTTAL OF PROOF OF EVIDENCE OF IAN FIELDING (OBJ/1002/IF/1)

4. Section 7.2 – main alternatives – and in particular, paragraph 7.2.10 – Mr Fielding appears to be under a misapprehension as to the purpose of the feasibility report, which was to inform the ORR's expert panel regarding the exceptional circumstances of the RVR level crossings. It was not intended to be a costs benefits report. Rather, its purpose was to consider the capital costs of each option from the perspective of gross disproportion. There are no proposals for a future dualling of the A21 at this location and, indeed, it has never been part of HE's case that the proposals should include safeguarding for such a possibility.

5. Paragraph 7.9.11 – the structures required as part of the scheme have been identified and shown on drawing number 239025-A21-G-001. The cost estimate provides a unit rate/m² and a plan area for each structure. This is appropriate (standard practice) for a feasibility stage cost estimate. A 2 day allowance for traffic management (TM) was an estimate at the time of writing the report. Given the small value of TM costs the sensitivity of this allowance is minimal.
6. Paragraph 7.9.13 – in my professional opinion, the lower contingency/optimism bias within Appendix D is appropriate, given that RVR provided specific figures for various items and costings based on recent experience of carrying out level crossing works across the route of the KESR, thus reducing the need to “insure” against the unknown. Given the level of design (feasibility) for the grade separated options, the contingency figures are appropriate.
7. Paragraph 7.9.15 – these were not identified as being required at the time of writing the feasibility report. Costs associated with this are not considered likely to be of a scale that would affect the conclusions of the report.

REBUTTAL OF PROOF OF EVIDENCE OF PHILP CLARK (OBJ/1002/PC/1)

8. Paragraph 7.3.18 - I understand that a revised estimate of costs for highways and level crossings works has been prepared by RVR which comes to £804,000. The gross disproportion is such that these additional costs do not affect it. Similarly, at paragraph 10, the cost of using HE approved contractors for the works within the HE operational boundary would not be of a scale to interfere materially with the conclusion of gross disproportion.
9. Paragraph 7.6.4 – My understanding from the advice to RVR is that there is no requirement for the deposited plans to deal with the points raised by Mr Clark and that the Order includes standard provisions for the protection of statutory undertakers. Mr Clark does not appear to have read the consultation report submitted with the application (RVR/19) which confirms that South East Water (and other utility companies) were consulted in advance of the application. South East Water obviously considered it unnecessary to make any representations in respect of the proposals.
10. Paragraphs 10.1.4 and 10.1.5 – It is not agreed that the assessment is flawed. If anything, the costs provision in the Arup estimate was over-stated as it exceeds the RVR estimate based on offers from suppliers.