



Department for Transport

Ms Jane Wakeham
Senior Associate
Winckworth Sherwood LLP
Minerva House
5 Montague Close
LONDON
SE1 9BB

Robert Fox
Transport and Works Act Orders Unit
Department for Transport
Zone 1/14-18
Great Minster House
33 Horseferry Road
LONDON
SW1P 4DR

Direct Line: 020-7944 3293
Email: robert.fox@dft.gov.uk

Web Site: www.gov.uk/dft/twa

Our Ref: TWA 2/2/150
Your Ref: JEW/33916/1/PFI

22 June 2017

Dear Jane,

TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006: REQUEST FOR A SCOPING OPINION

PROPOSED ROTHER VALLEY RAILWAY (BODIAM TO ROBERTSBRIDGE JUNCTION) ORDER

Please see the attached scoping opinion in connection with the above proposed Order.

As required by Rule 7(8) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 we consulted-

- East Sussex County Council
- Environment Agency
- High Weald AONB Unit
- Historic England
- Natural England
- Rother District Council.

All responded, and I attach their responses. Please note that some of these included comments which seem likely to be of relevance to your clients taking the scheme forward, whilst not directly affecting the scope of the environmental information to be submitted with the application.

Yours sincerely,

Robert Fox



Department for Transport

Ms Jane Wakeham
Senior Associate
Winckworth Sherwood LLP
Minerva House
5 Montague Close
LONDON
SE1 9BB

Natasha Kopala
Head of the Transport and Works Act Orders Unit
Department for Transport
Zone 1/14
Great Minster House
33 Horseferry Road
London SW1P 4DR

Direct Line: 020 7944 2488

Email : transportandworksact@dft.gov.uk

Web Site: www.gov.uk/dft/twa

Our Ref: TWA 2/2/150
Your Ref: JEW/33916/1/PFI

22 June 2017

Dear Ms Wakeham,

TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006: REQUEST FOR A SCOPING OPINION

PROPOSED ROTHER VALLEY RAILWAY (BODIAM TO ROBERTSBRIDGE JUNCTION) ORDER

1. I refer to your letter of 12 May 2017 to Robert Fox requesting a scoping opinion under rule 8 of the above Rules, on behalf of your clients, Rother Valley Railway Limited.
2. You enclosed with your letter the Environmental Statement dated June 2014 prepared to accompany a Planning Application to Rother District Council, and the Environmental Statement Addendum dated November 2016. You sought the Secretary of State's opinion that those documents ("the environmental information") were appropriate to serve as the environmental statement ("ES") to accompany a future application by your clients under the Transport and Works Act ("TWA"): in other words that the scope of the environmental information need not be amended.
3. The scheme involves the construction of about 3.4km of new railway along the line of a former railway abandoned in the 1960s between the B2244 Junction Road in Udiam and Northbridge Street in Robertsbridge, in East Sussex, and the maintenance of existing track at each end of the proposed new railway.
4. We have considered your request for an opinion on the proposed scope of the environmental information to accompany a future TWA application in accordance with rule 8 of the above Rules. In formulating the scoping opinion, we have consulted the following organisations (all of whom have responded) and have considered their responses:-

- East Sussex County Council
- Environment Agency
- High Weald AONB Unit
- Historic England

- Natural England
- Rother District Council.

5. The Secretary of State has considered the assessment of the potentially significant effects of the scheme set out in the environmental information. Subject to the qualifications in paragraph 8 below he agrees that the environmental information incorporated in the documents referred to at paragraph 2 above would provide an ES of sufficient scope for the purposes of a TWA application.

6. Please note that the scoping opinion is given without prejudice to our consideration of any Order application which may be made for the scheme. The giving of this opinion implies no view on the Department's part about the merits or otherwise of the scheme.

7. We consider that the following matter should also be addressed in the ES.

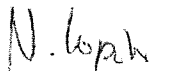
Landscape and Visual Amenity

8. The ES should pay due attention to the importance and relevance of the High Weald AONB Management Plan; appraising the proposed scheme against all the key landscape components and objectives in the management plan, identifying whether the scheme meets or brings about conflict with those components and objectives.

Distribution

9. Copies of the attached letter are being sent to those organisations which were consulted on the request for a scoping opinion, as listed in the beginning of this letter.

Yours sincerely,



Natasha Kopala

Jane Wakeham

From: Kate Cole <kate.cole@eastsussex.gov.uk>
Sent: 15 June 2017 12:25
To: Robert Fox
Cc: Natasha Kopala
Subject: RE: Transport and Works Act 1992 - Rother Valley Railway - Request for Scoping Opinion

Dear Mr Fox

I am writing to confirm that from an ecological perspective, the EIA prepared for the planning application (Rother DC reference RR/2014/1608/P) remains fit for purpose to accompany a TWA application, although it should be noted that at that time, access to the site could not be gained, so the ES made recommendations based on the precautionary approach of assuming the worst case scenario. Once access is granted, surveys should be carried out in accordance with best practice and Natural England's standing advice. It is assumed that great crested newts, bats, dormice, badgers, reptiles, otters, water voles and breeding birds are present on site and could be impacted by the scheme, particularly during construction.

Yours sincerely

Kate Cole

Dr Kate Cole MCIEEM
County Ecologist
Environment Team

01273 481621 | 07786 171465
eastsussex.gov.uk



From: Robert Fox [mailto:Robert.Fox@dft.gsi.gov.uk]
Sent: 14 June 2017 09:54
To: Kate Cole
Cc: Natasha Kopala
Subject: RE: Transport and Works Act 1992 - Rother Valley Railway - Request for Scoping Opinion

Dear Dr Cole

Thank you for your email (below) in reply to mine (below that). The TWA handling process is contained in the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (copy attached) with Rule 8 referring particularly to Scoping Opinions. Rule 8(4)(a) requires the Secretary of State (in practice, us) to consult "every local planning authority in whose area the works would be carried out...." and it is for this reason I initially approached you on behalf of ESCC, and Rother DC. So you do both have a statutory role now.

In effect the current scoping request by Rother Valley Railway is asking whether the environmental impact assessment prepared for the planning application to Rother DC a few years ago is OK to accompany the forthcoming TWA application too. You say below that ESCC advised Rother DC at that time.

I certainly don't want to put words into ESCC's mouth, but as I see it, you have three options in the light of what I say above about ESCC's continuing role:-

- you maintain your position that you do not wish to give a substantive response to our consultation under the Rules above; or
- you confirm that ESCC is content (to the extent of your remit) that the EIA prepared (with ESCC input) for the planning application will remain fit for purpose to accompany a TWA application expected later this summer); or
- you specify (within your remit) what deficiencies in that EIA should be remedied in a revised EIA to accompany the TWA application.

In view of the statutory deadline placed on us by Rule 8(7) referred to in my email of yesterday below, I would be grateful if you could respond quickly.

Yours sincerely

Robert Fox



Robert Fox
Casework Manager, Transport and Works Act Orders Unit
1/14, Great Minster House
33 Horseferry Road, London, SW1P 4DR
020 7944 3293
[Follow us on twitter @transportgovuk](#)

From: Kate Cole [<mailto:kate.cole@eastsussex.gov.uk>]

Sent: 13 June 2017 16:40

To: Robert Fox <Robert.Fox@dft.gsi.gov.uk>

Subject: RE: Transport and Works Act 1992 - Rother Valley Railway - Request for Scoping Opinion

Dear Mr Fox

East Sussex County Council currently has a Service Level Agreement (SLA) with Rother District Council for the provision of ecological advice on planning applications. Through this SLA, advice was provided to Rother DC on the planning application for the site. Planning permission was granted in March 2017, and it is my understanding that Rother DC has no role in the TWA process. As the County Council also has no statutory role and Rother DC do not need further advice, I will not be providing comments on the scoping opinion.

Yours sincerely

Kate Cole

Dr Kate Cole MCIEEM

County Ecologist

Environment Team

01273 481621 | 07786 171465

eastsussex.gov.uk

East Sussex
County Council



From: Robert Fox [<mailto:Robert.Fox@dft.gsi.gov.uk>]

Sent: 13 June 2017 10:20

To: Kate Cole

Subject: Transport and Works Act 1992 - Rother Valley Railway - Request for Scoping Opinion

Importance: High

Dear Dr Cole

I attach a copy of a letter I sent you on 15 May consulting East Sussex CC on a request for a Scoping Opinion made to the Secretary of State for Transport on behalf of Rother Valley Railway. I asked for a response by yesterday, as this Unit on behalf of the Secretary of State has a statutory duty to provide a Scoping Opinion to the Railway by 26 June.

We have not yet received a response from anyone in East Sussex CC, and we are very keen to have one in view of your Council's important role in regard to environmental matters and planning. I would be most grateful if you could hasten this in view of our statutory deadline referred to above.

Yours sincerely
Robert Fox



Department for Transport

Robert Fox
Casework Manager, Transport and Works Act Orders Unit
1/14, Great Minster House
33 Horseferry Road, London, SW1P 4DR
020 7944 3293
[Follow us on twitter @transportgovuk](https://twitter.com/transportgovuk)

The information in this email may be confidential or otherwise protected by law. If you received it in error, please let us know by return e-mail and then delete it immediately, without printing or passing it on to anybody else. Incoming and outgoing e-mail messages are routinely monitored for compliance with our policy on the use of electronic communications and for other lawful purposes.

This message is intended for the use of the addressee only and may contain confidential or privileged information. If you have received it in error please notify the sender and destroy it. You may not use it or copy it to anyone else.

E-mail is not a secure communications medium. Please be aware of this when replying. All communications sent to or from the County Council may be subject to recording and/or monitoring in accordance with relevant legislation.

Although East Sussex County Council has taken steps to ensure that this e-mail and any attachments are virus free, we can take no responsibility if a virus is actually present and you are advised to ensure that the appropriate checks are made.

You can visit our website at <https://www.eastsussex.gov.uk>

This email has been scanned by the Symantec Email [Security.cloud](https://www.symanteccloud.com) service.
For more information please visit [http://www.symanteccloud.com](https://www.symanteccloud.com)

This message is intended for the use of the addressee only and may contain confidential or privileged information. If you have received it in

error please notify the sender and destroy it. You may not use it or copy it to anyone else.

E-mail is not a secure communications medium. Please be aware of this when replying. All communications sent to or from the County Council may be subject to recording and/or monitoring in accordance with relevant legislation.

Although East Sussex County Council has taken steps to ensure that this e-mail and any attachments are virus free, we can take no responsibility if a virus is actually present and you are advised to ensure that the appropriate checks are made.

You can visit our website at <https://www.eastsussex.gov.uk>

This email has been scanned by the Symantec Email [Security.cloud](#) service.
For more information please visit <http://www.symanteccloud.com>

Robert Fox
Transport and Works Act Orders Unit
Department for Transport
Zone 1/14 - 18
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our ref: KT/2017/122923/01-L01
Your ref: TWA2/2/150
Date: 09 June 2017

Dear Robert

**PROPOSED ROTHER VALLEY RAILWAY (BODIAM TO ROBERTSBRIDGE
JUNCTION) ORDER - REQUEST FOR A SCOPING OPINION**

Thank you for consulting us on the above proposal. We reviewed the Environmental Statement (ES) when submitted in support of the planning application for Rother District Council. I have attached our previous response to the council below for your reference. The attached response details the key remaining issues that have not been addressed by the ES and supplementary reports to date. In total we requested 12 conditions to address remaining flood and environmental risks.

There are two key considerations that require further evidence:

- Demonstration that flood risk is not increased in agricultural land
- Demonstration that riverine ecology will not be adversely impacted

We initially objected on the grounds that surveys should be undertaken before a planning decision is made. This is in keeping with Circular 06/2005. Site surveys were not possible as Rother Valley Railway were unable to access the land but after considering the potential flexibility in design we lifted our objection.

It is our understanding that land access (via Compulsory Purchase Order) may be feasible now that the planning permission has been granted. As a result we would encourage that surveys are undertaken at the earliest possible opportunity. In our planning response we stated that without this survey information we cannot discount the possibility that ecological mitigation may be required outside the red line boundary. The required mitigation for ecology and contamination can only be fully understood once access to the land has been enabled.

The ES and accompanying documents demonstrate that flood risk will not be increased to properties, however there are currently areas of land that will experience

OFFICIAL

greater flood depths. It is our opinion that these risks can be overcome by further design improvements and more accurate modelling.

The ES does not allay all environmental and flood risk issues and further work is still required. The work required is summarised in our attached letter requesting conditions to Rother District Council.

We have been given assurances from Rother Valley Railway that there is flexibility in design and it is our opinion that engineering solutions are available. As a result we have requested planning conditions to provide assurance to those potentially affected landowners.

If you require further clarification on any of the above issues, please contact me on the number below.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Frank Heeley', written in a cursive style.

Frank Heeley
Sustainable Places Team Leader

Direct dial 0208 474 6691

Direct e-mail kslplanning@environment-agency.gov.uk

creating a better place



Rother District Council
Development Control
Town Hall London Road
Bexhill-on-Sea
East Sussex
TN39 3JX

Our ref: KT/2014/118770/03-L01
Your ref: RR/2014/1608/P
Date: 19 December 2016

Dear Sir/Madam

AMENDED PLANS (RECEIVED 16/11/2016) - REINSTATEMENT OF THE ROTHER VALLEY RAILWAY FROM NORTHBRIDGE STREET, ROBERTSBRIDGE, TO JUNCTION ROAD, BODIAM. ROTHER VALLEY RAILWAY NORTHBRIDGE STREET, ROBERTSBRIDGE TO JUNCTION ROAD, BODIAM. SALEHURST/ROBERTSBRIDGE, EWHURST, BODIAM

Thank you for consulting us on the above proposal. We have reviewed documents submitted in support of the planning application. While we no longer object to the proposal, we recommend conditions are put in place to manage the remaining risks that this development poses.

We have reviewed the latest Flood Risk Assessment and the Addendum to the Environment Statement and we wish to raise some important considerations and recommendations.

Our previous response drew attention to Circular 06/2005 relating to biodiversity and geological conservation, which, in paragraph 99 states that "ecological surveys . . . should only be left to coverage under planning conditions in exceptional circumstances". As we stated, it is for the Council to decide whether circumstances relating to this proposal are classed as 'exceptional'. If this is the Council decision, we will work with Rother Valley Railway and the Council to review ecological surveys that are needed and any mitigation or compensation that are required.

We consider that the impacts on biodiversity can be mitigated by planning conditions and, taking the County Ecologist's analysis into account, we do not wish to object on grounds of ecological surveys. However, the Council should note that it is possible that necessary mitigation will require works to be undertaken outside the red line boundary of the development.

We are satisfied that the updated baseline flood model has been undertaken to the required standards. This flood model represents the existing flood risk situation, without the railway in place.

As part of the submitted Flood Risk Assessment, flood modelling has also been undertaken to include the reinstatement of the railway embankment and associated

Environment Agency
Orchard House Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH
Customer services line: 03708 506 506
Email: enquiries@environment-agency.gov.uk
www.gov.uk/environment-agency



bridges (viaducts) and culverts. This is termed the 'with railway' model and represents the flood risk post development. We have reviewed how the railway embankment has been represented within this model, but still need to review how the structures have been implemented now that further design details have been submitted.

We have reviewed the updated Flood Risk Assessment (FRA), dated June 2016. The updated modelling does identify that there are minor increases in flood depths for the 1% plus climate change event for the 'with railway' model which are mostly within modelling tolerances. In accordance with NPPF mitigation is required for any increase in flood risk and the post development scenario should show no impact on flood risk or a reduction compared on the baseline scenario. We recommend that conditions are put in place to manage this risk.

The new design incorporates 45 circular culverts and 4 rectangular culverts to allow flood water to flow through the railway embankment and sections of the embankment that have been lowered to allow flood flows. These structures will need to be maintained by the applicant over the lifetime of the scheme.

We do require further design details to satisfy the riverine ecology and flood risk will not be impacted but we understand that design adjustments are feasible if necessary and as such we would recommend that this is dealt with through planning conditions.

If the council is minded to grant planning permission bearing in mind the above considerations, we recommend that the following conditions are included:

1 Ecology Survey condition. No development shall take place until a site-specific ecological assessment, carried out by suitably qualified and experienced ecologists has been submitted to and approved in writing by the local planning authority. The assessment must employ best practice and should include, but not be limited to:

- scoping surveys of the proposed development site as well as its immediate surroundings
- identifying and evaluating existing ecological features including any key species, including invasive species, and habitats
- precise recommendations for minimising negative impacts and maximising net biodiversity gains through habitat management, enhancement, creation of compensatory habitat and habitat restoration.

Reasons

To ensure the protection of legally protected species and supporting habitat under UK legislation, the Wildlife and Countryside Act 1981 (as amended), and European legislation, the Conservation of Habitats and Species Regulations 2010.

To secure opportunities for the enhancement of the nature conservation value of the site in accordance with Paragraphs 99, 109 and 118 of the National Planning Policy Framework and Policy EN5 of the Rother Local Plan Core Strategy.

We note that the Environmental Statement proposes mitigation options. We are only able to confirm whether these options are appropriate when surveys have been undertaken.

2 Buffer zone condition. No development shall take place until a scheme for the retention and management of a buffer zone, to be at least 8 metres wide between the toe of the railway embankment to the top of the riverbank has been submitted to and agreed in writing by the local planning authority. The schemes shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (for example native species of local provenance) if required.
- details of a management plan for the lifetime of the scheme including adequate financial provision and a named body responsible for its delivery.
- details of methods to be implemented should river bank repair works be required to maintain the width of the buffer strip. This must not include installation of sheet steel piling in the river
- details of any proposed footpaths, fencing, lighting (fitted with back scatter guards to prevent light from being cast on the river) etc.

The scheme shall be implemented as approved.

Reasons

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Paragraphs 99, 109 and 118 of the National Planning Policy Framework and Policy EN5 of the Rother Local Plan Core Strategy.

To ensure the objectives of the River Basin Management Plan (required by the Water Framework Directive, as transposed into English law by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003) are being and can be delivered.

3 Ecology Management Condition. No development shall take place until a landscape and ecology management plan, including long-term design objectives, management responsibilities and maintenance schedules has been submitted to and agreed in writing by the local planning authority. The plan must deliver the recommendations of the approved site-specific ecological surveys and contain details of:

- the extent and type of any new planting (for example native species of local provenance)
- maintenance regimes
- any new habitat created on site
- management responsibilities.

The management plan shall be implemented as approved.

Reason

To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Paragraphs 99, 109 and 118 of the National Planning Policy Framework and Policy EN5 of the Rother Local Plan Core Strategy.

4 Environmental Method Statement Condition. No development shall take place until a method statement / construction environmental management plan, to be carried out by suitably qualified and experienced persons / bodies, has been submitted to and approved in writing by the local planning authority. Such a scheme shall include details of the following:

- the timing of the works
- the measures to be used during the development in order to minimise environmental impact of the works.
- the ecological enhancements as mitigation for the loss of any habitat resulting from the development
- a map or plan showing habitat areas including the river buffer zone to be protected during the works with proposed means of protection.
- any necessary mitigation for protected species
- a detailed method statement for removing or the long-term management / control of invasive non-native species
- construction methods
- all necessary pollution prevention methods.

The method statement/construction environmental management plan shall be implemented as approved.

Elements of this condition are required due to the presence of Japanese knotweed *Fallopia japonica* at Bridge 6.

Reasons

To ensure the protection of legally protected species and supporting habitat under UK legislation, the Wildlife and Countryside Act 1981 (as amended), and European legislation, the Conservation of Habitats and Species Regulations 2010.

To secure opportunities for the enhancement of the nature conservation value of the site in accordance with Paragraphs 99, 109 and 118 of the National Planning Policy Framework and Policy EN5 of the Rother Local Plan Core Strategy.

5 Protect Species condition. In the event that populations of any protected species are found by site-specific ecological surveys, no development shall take place until a plan detailing the protection and / or mitigation of damage to the population(s) has been submitted to and approved in writing by the local planning authority.

The plan shall be implemented as approved.

Reason

To ensure the protection of legally protected species and supporting habitat under UK legislation, the Wildlife and Countryside Act 1981 (as amended), and European legislation, the Conservation of Habitats and Species Regulations 2010.

6 Bridge design condition. No development shall commence on bridges until detailed drawings showing the siting, design and external appearance of all bridges (including mammal paths or tunnels) have been submitted to and approved by the local planning authority.

The bridges shall be constructed in accordance with the approved drawings.

Reason:

To ensure that the bridges do not restrict the flows in the River Rother and that riparian mammals have sufficient passage to migrate through the river corridor.

7 Flood Risk Condition. No development shall take place until such time as a scheme to ensure any increase in flood risk is appropriately managed by providing appropriate mitigation measures, has been submitted to and approved in writing by the local planning authority. All mitigation measures should take into account the flood risks over the lifetime of the development.

Reason

To ensure that the proposed works will not increase flood risk elsewhere and take account of climate change in accordance with paragraph 99, 100 and 103 of National Planning Policy Framework.

The proposal to change part of the existing flood embankment to a flood wall has not yet been modelled. This must be incorporated into the post development 'with railway' model.

Following submission of new details on the associated bridges and culverts forming part of the scheme, the implementation of these structures within the 'with railway' flood model need to be reviewed. The applicant should demonstrate that the proposed bridges and culverts are set at appropriate levels to convey flood flows. Demonstration of sensitivity to culvert blockages is necessary to confirm the degree to which maintenance is required.

Scour protection should be considered to ensure that the integrity of the railway embankment is maintained following a flood event, along the sections that will be allowed to overtop.

8 Flood defence integrity condition. No development shall take place until a working method statement to cover all works to / close to flood defences and over/under and in the vicinity of the main river has been submitted to and agreed in writing by the local planning authority. The method statement shall cover the following requirements:

- timing of works
- methods used for works
- machinery (e.g. location and storage of plant, materials and fuel)
- temporary works (e.g. access routes, temporary bridges, site compound etc.)
- protection of existing flood defences
- site supervision

The working method statement shall be implemented as approved.

Reason

To ensure that the construction phase of the works will not affect the integrity of flood

defences in this area in accordance with of Policy EM8 of the Rother District Council Local Plan and the works do not affect The environment Agency flood defence improvement and maintenance works.

The proposal incorporates a replacement of an existing flood embankment to a flood wall. The present and future integrity must be demonstrated to give assurance that people will not be put at risk of flooding.

9 Flood plain storage compensation: The applicant must demonstrate that there will be no loss of floodplain storage post development, following reinstatement of the railway embankment. Any loss of floodplain storage will need to be compensated, with details submitted and approved by the LPA. Calculations will need to demonstrate that compensation can be provided on a volume by volume, level by level basis and in a suitable location.

Reason

To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

10 Preliminary Risk Assessment Condition: Prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified;
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site lies on the Alluvial deposits overlying Ashdown Formation. The Alluvium is classed as a Secondary Aquifer and the Ashdown Formation is classed as

Secondary A aquifer in terms of the amounts of water it can yield for supply and its ability to provide baseflow to surface water to supply aquatic ecology. The area is therefore sensitive in terms of groundwater protection. The aquifer may be vulnerable to pollution from any contaminants present at the site.

The submitted Preliminary Land Quality Risk Assessment report (November 2013) recommends further investigation be carried to areas firstly by a second stage including data gathering and updating the site conceptual model to determine whether it will be necessary to carry out an intrusive investigation. We concur with these recommendations.

11 Verification Condition: No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons: The site lies on the Alluvial deposits overlying Ashdown Formation. The Alluvium is classed as a Secondary Aquifer and the Ashdown Formation is classed as Secondary A aquifer in terms of the amounts of water it can yield for supply and its ability to provide baseflow to surface water to supply aquatic ecology. The area is therefore sensitive in terms of groundwater protection. The aquifer may be vulnerable to pollution from any contaminants present at the site.

12 Piling Condition: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons: The site is located within a sensitive area in terms of groundwater protection area and the previous uses of the site may have impacted on the quality of the underlying aquifers. This condition is therefore requested in order to ensure that the proposed foundations do not pose a risk to the underlying aquifers and the local potable water supply which abstracts groundwater directly from the chalk aquifer underlying this site. This should be constructed in accordance with Environment Agency guidance; Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention and Piling into Contaminated Sites. The guidance is available on the Environment Agency website.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water

pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Further information

Risk of offence under the Wildlife and Countryside Act 1981 (as amended)

The applicant could be liable to criminal prosecution under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) should any infestation of invasive non-native species (e.g. Japanese Knotweed) not be addressed appropriately.

Environment Agency consent required (herbicides)

Our consent is required for the use of herbicides within eight metres of the River Rother and other ordinary watercourses. This is to ensure that the herbicides will not have a detrimental effect on the riverine habitat. A copy of the application form can be found on the following link: <http://www.environment-agency.gov.uk/homeandleisure/wildlife/31350.aspx>

Flood Risk Activity Permit Informative

As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

Fuel, Oil and Chemical Storage

Where it is proposed to store more than 200 litres (45 gallon) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

All chemicals should be stored in an area where spills can be contained. Chemical containers should be kept within an impermeable secondary containment area that will hold liquids if the main containers leak or break. Secondary containment areas include bunds, banded pallets or spill pallets, sump pallets, banded storage units and storage cabinets with integral sumps.

If you have one oil storage container in a bund, the bund must be able to hold 110% of its volume. If you have more than one container, your bund must be able to contain at least 110% of the volume of the largest container or 25% of the total volume you are likely to store, whichever is greater.

Storage areas should be covered wherever possible to avoid rainwater collecting. Bunds should be regularly inspected and any accumulated rainwater removed. If the water is contaminated this may need to be disposed of as hazardous/special waste.

Other

National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that

opportunities to incorporate biodiversity in and around developments should be encouraged.

You should have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Please note that licences will be required from Natural England to survey for, and, where any proposals are made as a last resort, to re-locate legally protected species. For further information and guidance on European Protected Species and licensing procedures see the Wildlife Management and Licensing Guidance from Natural England. Further information and guidance on UK protected species and licensing can be found under the Defra web pages for the Wildlife and Countryside Act 1981.

We acknowledge that we are asking for a large number of conditions, but please note that this is in light of the fact that not all survey information has been provided at this point. If you would like to discuss this further please contact me on the number below.

Yours faithfully

Frank Heeley
Sustainable Places Team Leader

Direct dial 0208 474 6691

Direct e-mail kslplanning@environment-agency.gov.uk

High Weald Joint Advisory Committee

Woodland Enterprise Centre
Hastings Road
Flimwell
East Sussex TN5 7PR

Tel: 01424 723011
Email: info@highweald.org



www.highweald.org

Working together to care for one of England's finest landscapes

Department for Transport
Robert Fox
Transport and Works Act Orders Unit
Zone 1/14-18
Great Minster House
33 Horseferry Road
London SW1P 4DR

6th June 2016

Dear Mr Fox,

Proposed Rother Valley Railway – Request for a Scoping Opinion

Thank you for consulting the High Weald AONB Unit on this Scoping Opinion.

My understanding is that Rother Valley Railway Ltd is proposing to use the same Environmental Impact Assessment for the purposes of the Order under the Transport and Works Act as they submitted to Rother District Council for the planning application.

My colleague, Jason Lavender, commented on this information on the 7th January 2015. The only EIA document which postdates this letter is The Environmental Statement Addendum November 2016 which relates to ecology and flood risk matters. It does not address the other issues raised by Mr Lavender, which are repeated below for your convenience.

- The ES clearly recognises the existence of the AONB designation but the only reference to the High Weald AONB Management Plan is a footnote in the report, which leaves the impression that the importance and relevance of the management plan has not been understood. The landscape section of the ES has concentrated on the potential visual impact that may be caused by looking at views to the site and while this is welcome, an assessment of a range of views is not sufficient to explain and/or justify the development's potential impacts (positive or negative) to the landscape itself. Of course many people rightly value and celebrate the scenic beauty of the High Weald but the landscape is more than just the view and the ES should carefully appraise the proposed development against all the key landscape components and each objective in the AONB management plan and identify whether the proposal meets or brings about conflict with those components and objectives.

Anglesey
Arnside and Silverdale
Blackdown Hills
Cannock Chase
Chichester Harbour
Chilterns
Clwydian Range
Cornwall
Cotswolds
Gower
Cranbourne Chase and Dee Valley
West Wiltshire Downs
Dedham Vale
Dorset
East Devon
Forest of Bowland
Howardian Hills
High Weald
Isle of Wight
Isles of Scilly
Kent Downs
Lincolnshire Wolds
Llyn
Malvern Hills
Mendip Hills
Nidderdale
Norfolk Coast
North Devon
North Pennines
North Wessex Downs
Northumberland Coast
Quantock Hills
Shropshire Hills
Solway Coast
South Devon
Suffolk Coast and Heaths
Surrey Hills
Tamar Valley
Wye Valley

**Landscapes
for life**
.org.uk



High Weald Joint Advisory Committee

Woodland Enterprise Centre
Hastings Road
Flimwell
East Sussex TN5 7PR

Tel: 01424 723011
Email: info@highweald.org



www.highweald.org

Working together to care for one of England's finest landscapes

- The ES does make reference to the High Weald AONB and it lists the five key landscape character components (section 8.4) outlined in the AONB management plan but there is no analysis of how this proposed development may directly or indirectly affect these components. This may explain why the ES has not, for example, shown how the proposal may increase opportunities for learning about and celebrating the landscape of the High Weald; identified either the historic routeway that runs the length of Beech House Lane south across the floodplain to Robertsbridge Abbey or the surviving historic field boundaries close to the proposed route; or recognised that the proposed use of culverts within watercourses may be in conflict with the AONB management plan's objective to promote the restoration of naturally functioning river catchments.

The High Weald AONB Unit would respectfully request that these deficiencies are remedied in the EIA documents to be submitted to the Department of Transport, and is happy to provide assistance to the applicants in providing data to inform this assessment.

The above comments are advisory and are the professional views of the AONB Unit's Planning Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

Yours sincerely,

Claire Tester MRTPI
Planning Advisor
High Weald AONB Unit
01424 723018

Advising on the management of a nationally important landscape

Anglesey
Arnside and Silverdale
Blackdown Hills
Cannock Chase
Chichester Harbour
Chilterns
Clwydian Range
Cornwall
Cotswolds
Gower
Cranbourne Chase and Dee Valley
West Wiltshire Downs
Dedham Vale
Dorset
East Devon
Forest of Bowland
Howardian Hills
High Weald
Isle of Wight
Isles of Scilly
Kent Downs
Lincolnshire Wolds
Llyn
Malvern Hills
Mendip Hills
Nidderdale
Norfolk Coast
North Devon
North Pennines
North Wessex Downs
Northumberland Coast
Quantock Hills
Shropshire Hills
Solway Coast
South Devon
Suffolk Coast and Heaths
Surrey Hills
Tamar Valley
Wye Valley

**Landscapes
for life**
.org.uk



High Weald Joint Advisory Committee

Woodland Enterprise Centre
Hastings Road
Flimwell
East Sussex TN5 7PR

Tel: 01424 723011
Email: info@highweald.org



www.highweald.org

Working together to care for one of England's finest landscapes

Background Information about the High Weald AONB Unit

The High Weald Area of Outstanding Natural Beauty (AONB)

The High Weald was designated in 1983 as an Area of Outstanding Natural Beauty. It is an exceptionally beautiful medieval landscape covering 564 square miles across the counties of East and West Sussex, Kent and Surrey. The National Planning Policy Framework (NPPF) gives great weight to conserving landscape and scenic beauty in AONBs as outlined in paragraphs 115-116. Development proposals within an AONB need to pay particular attention to its character and conserve and enhance its natural beauty. Planning permission should be refused for a major development except in exceptional circumstances and where it can be demonstrated the development is in the public interest and its benefits outweigh the adverse impacts resulting from the development.

The High Weald AONB Unit

The High Weald AONB Unit is funded by Defra and a partnership of the 15 local authorities covered by the High Weald to provide advice on how to conserve and enhance the AONB. The advice provided by the AONB Unit assists public bodies and statutory undertakers to meet their duty as set out in Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect it.

Unlike National Park authorities, the High Weald AONB Unit is not a statutory body but an advisory one. It is not a local planning authority and the responsibility for determining planning applications remains with the 15 local authorities. The AONB Unit is not a statutory consultee on planning matters and it remains each local planning authority's decision whether or not they seek its advice on a particular planning application.

The High Weald AONB Management Plan

The scope of the advice in this letter is set by the statutory High Weald AONB Management Plan, which has been adopted by all partner authorities, as 'their policy for the management of the area and for the carrying out of their functions in relation to it'. The comments are advisory and are the professional views of the AONB Unit's Planning Advisor on the potential impacts on the High Weald landscape. They are not necessarily the views of the High Weald AONB Joint Advisory Committee.

Anglesey
Arnside and Silverdale
Blackdown Hills
Cannock Chase
Chichester Harbour
Chilterns
Clwydian Range
Cornwall
Cotswolds
Gower
Cranbourne Chase and Dee Valley
West Wiltshire Downs
Dedham Vale
Dorset
East Devon
Forest of Bowland
Howardian Hills
High Weald
Isle of Wight
Isles of Scilly
Kent Downs
Lincolnshire Wolds
Llyn
Malvern Hills
Mendip Hills
Nidderdale
Norfolk Coast
North Devon
North Pennines
North Wessex Downs
Northumberland Coast
Quantock Hills
Shropshire Hills
Solway Coast
South Devon
Suffolk Coast and Heaths
Surrey Hills
Tamar Valley
Wye Valley

Landscapes
for life
.org.uk

HIGH WEALD
One of the
AONB Family



Historic England

SOUTH EAST OFFICE

Mr Robert Fox
Department for Transport
Department and Works Act Orders Unit
Zone 1/14-18, Great Minster House
33 Horseferry Road, LONDON
SW1P 4DR

Direct Dial: 01483 252032

Our ref: PL00101182

9 June 2017

Dear Mr Fox

Transport and Works Act 1992

Transport and Works Act (Applications and Objections Procedure) (England and Wales) Rules 2006

Proposed Rother Valley Railway (Bodiam to Robertsbridge Junction) Order - Request for a Scoping Opinion

Thank you for consulting Historic England. Our view is that the Environmental Impact Assessment (EIA) that was produced in support of the planning application is also likely to be adequate for the application for an Order under the Transport and Works Act 1992 and the Transport and Works Act Rules 2006.

However, we note that the EIA identifies adverse effects on the Robertsbridge Abbey Scheduled Monument and Listed Buildings including increased risk of fluvial flooding of the heritage assets and the construction of a new embankment within their setting.

We declined to comment on the application for planning permission in 2014 and we do not object to the proposal or the EIA now. However, in view of the impacts identified in the EIA and the apparent absence of specific provision for mitigation of the effects on the designated heritage assets, we advise that these potential adverse effects should be mitigated if possible during the design process through flood avoidance or protection measures, and landscaping to screen of the embankment in views to and from the abbey.

Therefore, we do not advocate additional environmental impact assessment, but we do recommend that, if possible, the applicant should be advised to reduce potential harm to designated heritage assets through the design and implementation of the scheme.

Yours sincerely,



EASTGATE COURT 195-205 HIGH STREET GUILDFORD SURREY GU1 3EH

Telephone 01483 252020
HistoricEngland.org.uk





Historic England

SOUTH EAST OFFICE

Paul Roberts MCIfA
Inspector of Ancient Monuments
Paul.roberts@HistoricEngland.org.uk



EASTGATE COURT 195-205 HIGH STREET GUILDFORD SURREY GU1 3EH

Telephone 01483 252020
HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act, 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

Date: 30 May 2017
Our ref: 216477
Your ref: TWA 2/2/150



Mr Robert Fox
Department for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mr Fox

Environmental Impact Assessment Scoping consultation (Regulation 15 (3) (i) of the EIA Regulations 2011): Proposed Rother Valley Railway (Bodiam to Robertsbridge Junction) Order – request for a scoping opinion

Thank you for your consultation dated 15 May 2017 and received by Natural England on 17 May 2017

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The scoping request is for a proposal that does not appear, from the information provided, to affect any nationally designated geological or ecological sites (Ramsar, SPA, SAC, SSSI, NNR) or landscapes (National Parks, AONBs, Heritage Coasts, National Trails), or have significant impacts on the protection of soils (particularly of sites over 20ha of best or most versatile land), nor is the development for a mineral or waste site of over 5ha.

At present therefore it is not a priority for Natural England to advise on the detail of this EIA. We would, however, like to draw your attention to some key points of advice, presented in annex to this letter, and we would expect the final Environmental Statement (ES) to include all necessary information as outlined in Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011. If you believe that the development does affect one of the features listed in paragraph 3 above, please contact Natural England at consultations@naturalengland.org.uk, and we may be able to provide further information.

Yours sincerely

David Allcock
Consultations Team

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1. Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Institute of Ecology and Environmental Management (IEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework (NPPF) sets out guidance in S.118 on how to take account of biodiversity interests in planning decisions and the framework that local authorities should provide to assist developers.

2.2. Internationally and Nationally Designated Sites

Natural England undertakes an initial assessment of all development consultations, by determining whether the location to which they relate falls within geographical 'buffer' areas within which

development is likely to affect designated sites. The proposal is located outside these buffer areas and therefore appears unlikely to affect an Internationally or Nationally designated site. However, it should be recognised that the specific nature of a proposal may have the potential to lead to significant impacts arising at a greater distance than is encompassed by Natural England's buffers for designated sites. The ES should therefore thoroughly assess the potential for the proposal to affect designated sites, including Special Areas of Conservation (SAC), Special Protection Areas (SPA), Ramsar sites and Sites of Special Scientific Interest (SSSI). Should the proposal result in an emission to air or discharge to the ground or surface water catchment of a designated site then the potential effects and impact of this would need to be considered in the Environmental Statement

Local Planning Authorities, as competent authorities under the provisions of the Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations'), should have regard to the Habitats Regulations Assessment process set out in Regulation 61 of the Habitats Regulations in their determination of a planning application. Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Local Planning Authority) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Statutory site locations can be found at www.magic.gov.uk. Further information concerning particular statutory sites can be found on the [Natural England website](#).

2.3. Protected Species

The ES should assess the impact of all phases of the proposal on protected species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

Natural England has adopted standing advice for protected species. It provides a consistent level of basic advice which can be applied to any planning application that could affect protected species. It also includes links to guidance on survey and mitigation.

Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species.

2.4. Regionally and Locally Important Sites

The ES should thoroughly assess the impact of the proposals on non-statutory sites, for example Local Wildlife Sites (LoWS), Local Nature Reserves (LNR) and Regionally Important Geological and Geomorphological Sites (RIGS). Natural England does not hold comprehensive information on these sites. We therefore advise that the appropriate local biological record centres, nature conservation organisations, Local Planning Authority and local RIGS group should be contacted with respect to this matter.

2.5. Biodiversity Action Plan Habitats and Species

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed in the UK Biodiversity Action Plan (BAP). These Priority Habitats and Species are listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, recently published under the

requirements of S14 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available in the Defra publication '[Guidance for Local Authorities on Implementing the Biodiversity Duty](#)'.

Government Circular 06/2005 states that BAP species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of BAP habitat for the area under consideration.

3. Landscape, Access and Recreation

3.1. Landscape and Visual Impacts

The consideration of landscape impacts should reflect the approach set out in the *Guidelines for Landscape and Visual Impact Assessment* (Landscape Institute and the Institute of Environmental Assessment and Management, 2013, 3rd edition), the *Landscape Character Assessment Guidance for England and Scotland* (Scottish Natural Heritage and The Countryside Agency, 2002) and good practice. The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England would expect the cumulative impact assessment to include those proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

3.2. Access and Recreation

The ES should include a thorough assessment of the development's effects upon public rights of way and access to the countryside and its enjoyment through recreation. With this in mind and in addition to consideration of public rights of way, the landscape and visual effects on Open Access land, whether direct or indirect, should be included in the ES.

Natural England would also expect to see consideration of opportunities for improved or new public access provision on the site, to include linking existing public rights of way and/or providing new circular routes and interpretation. We also recommend reference to relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

4. Land use and soils

Impacts from the development should be considered in light of the Government's policy for the protection of the best and most versatile (BMV) agricultural land as set out in paragraph 112 of the NPPF. We also recommend that soils should be considered under a more general heading of sustainable use of land and the valuing of the ecosystem services they provide as a natural resource in line with paragraph 109 of the NPPF.

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society; for instance as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the

soil resources are protected and used sustainably. The Natural Environment White Paper (NEWP) '*The Natural Choice: securing the value of nature*' (Defra, June 2011), emphasises the importance of natural resource protection, including the conservation and sustainable management of soils and the protection of BMV agricultural land.

Development of buildings and infrastructure prevents alternative uses for those soils that are permanently covered, and also often results in degradation of soils around the development as result of construction activities. This affects their functionality as wildlife habitat, and reduces their ability to support landscape works and green infrastructure. Sealing and compaction can also contribute to increased surface run-off, ponding of water and localised erosion, flooding and pollution.

Defra published a Construction Code of Practice for the sustainable use of soils on construction sites (2009). The purpose of the Code of Practice is to provide a practical guide to assist anyone involved in the construction industry to protect the soil resources with which they work.

As identified in the NPPF new sites or extensions to new sites for Peat extraction should not be granted permission by Local Planning Authorities or proposed in development plans.

General advice on the agricultural aspects of site working and reclamation can be found in the Defra Guidance for successful reclamation of mineral and waste sites.

5. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition (England Biodiversity Strategy, Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (www.apis.ac.uk). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

6. Climate Change Adaptation

The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment "by establishing coherent ecological networks that are more resilient to current and future pressures" (NPPF Para 109), which should be demonstrated through the ES.

Tel: (01424) 787000 (Customer Services)

Your ref: TWA 2/2/150
Our ref: RR/2014/1608/P
Please ask for: Mark Cathcart
Direct dial no: 01424 787613
Date: 12 June 2017



Dr A Leonard
Executive Director of Business Operations

Town Hall
Bexhill-on-Sea
TN39 3JX

Transport and Works Act Orders Unit
Attn. Mr Robert Fox
Department for Transport
Zone 1/14-18
Great Minster House
33 Horseferry Road
LONDON
SW1P 4DR

Dear Mr Fox,

TRANSPORT AND WORKS ACT 1992

**TRANSPORT & WORKS ACT 1992 (APPLICATIONS AND OBJECTIONS
PROCEDURE) (ENGLAND AND WALES) RULES 2006**

**PROPOSED ROTHER VALLEY RAILWAY (BODIAM TO ROBERTSBRIDGE
JUNCTION) ORDER – REQUEST FOR A SCOPING OPINION.**

I refer to your letter of 15 May 2017.

As you will be aware, planning permission was conditionally granted by this Council for the proposed extension of the railway on 16 March 2017. The planning application (reference RR/2014/1608/P) was accompanied by an Environmental Statement dated June 2014. An Environmental Statement Addendum was submitted in November 2016, which provided further information on matters raised during consultations with the Environment Agency and the East Sussex County Council Ecologist.

The Council understands that an Environmental Statement is required to accompany a proposed TWA application

The Council would not wish to identify any specific additional or different information to be included in the Environmental Statement and Addendum that has been provided.

Thank you for consulting the Council on this matter.

Yours sincerely,

Mark Cathcart for Service Manager – Planning and Strategy.



