

**From:** Consultations (NE) <consultations@naturalengland.org.uk>  
**Sent:** 26 May 2018 12:24  
**To:** TRANSPORTANDWORKSACT  
**Subject:** FAO The Secretary of State for Transport REF: Proposed Rother Valley Railway (Bodian to Robertsbridge)  
**Attachments:** 244992 Consultation Letter.pdf; 244992 Natural England Response Letter FAO The Secretary of State for Transport.pdf

**Reference: Proposed Rother Valley Railway (Bodian to Robertsbridge Junction) Order**  
**Our Ref: 244992**

Dear Sir or Madam

Thank you for your email requesting Natural England's consultation on the proposed Rother Valley Railway (Bodian to Robertsbridge).

Please find attached a copy of your consultation letter and Natural England's response to this request.

Kind regards

Sharon

Sharon Jenkins  
Technical Support Adviser  
Consultations Team  
Natural England  
County Hall  
Spetchley Road  
Worcester  
WR5 2NP

Tel: 0300 060 3900

Fax: 0300 060 1544

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

<mailto:consultations@naturalengland.org.uk>

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

Natural England offers two chargeable services - the Discretionary Advice Service, which provides pre-application and post-consent advice on planning/licensing proposals to developers and consultants, and the Pre-submission Screening Service for European Protected Species mitigation licence applications. These services help applicants take appropriate account of environmental considerations at an early stage of project development, reduce uncertainty, the risk of delay and added cost at a later stage, whilst securing good results for the natural environment.

For further information on the Discretionary Advice Service see [here](#)

For further information on the Pre-submission Screening Service see [here](#)

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NATURAL ENGLAND

24 APR 2018

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ROBERTSBRIDGE, EAST SUSSEX. TN32 5DG

[www.rvr.org.uk](http://www.rvr.org.uk)

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24 APR 2018

NATURAL ENGLAND

The Manager  
English Nature  
County Hall  
Spetchley Road  
Worcester  
WR5 2NP

19 April 2018

Dear Sir or Madam,

**Transport and Works Act 1992**

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

**Proposed Rother Valley Railway (Bodiam to Robertsbridge Junction) Order**

For compliance with Rule 13(3) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 we enclose a copy of the application which has been made by Rother Valley Railway Ltd to the Secretary of State for Transport for an Order under sections 1 and 5 of the Transport and Works Act 1992.

The draft Order would authorise the Company to construct, operate and maintain a new railway and to operate and maintain two existing railways between a junction with the existing Kent and East Sussex Railway line at Bodiam and a terminus at Robertsbridge, all in the County of East Sussex, District of Rother. The Order would also authorise level crossings across the B2244 Junction Road at Udiam, Salehurst bridleway S&R36b and the A21 and Northbridge Street at Robertsbridge.

Further information about the proposals can also be obtained by telephoning the Rother Valley Railway Company on 01580 881833, by writing to the company at Robertsbridge Junction Station, Station Road, Robertsbridge TN32 5DG or emailing "reception@rvr.org.uk".

This application is to be made subject to an environmental impact assessment.

We enclose the relevant documents required by Rule 13(3) of the above mentioned rules.

You are served with these documents in your capacity as a body mentioned in category 18 of schedule 5 to the rules.

Any objections to, or other representations about, the proposals in the application should be sent to the Secretary of State for Transport c/o Transport and Works Act Orders Unit, General Counsel's Office, Department for Transport, Zone 1/18, Great Minster House, 33 Horseferry Road, London SW1P 4DR, email: [transportandworksact@dft.gsi.gov.uk](mailto:transportandworksact@dft.gsi.gov.uk)

Registered Office: 3-4 Bower Terrace, Tonbridge Road, Maidstone, Kent, ME16 8RY  
A company registered in England number 2613553  
Full member of the Heritage Railway Association

## **Rother Valley Railway Limited**

An objection or other representation MUST (i) be received by the Secretary of State on or before 31 May 2018, (ii) be made in writing (whether sent by post or email), (iii) state the grounds of the objection or other representation, (iv) indicate who is making the objection or other representation, and (v) give an address to which correspondence relating to the objection or other representation may be sent. (If you are sending your objection or other representation by e-mail, please provide a postal address and state "Rother Valley Railway (Bodiam to Robertsbridge Junction) Order" in the subject of the email.)

The Secretary of State may make complete copies of the objections and other representations public, including any personal information in them, and will copy them to the applicant for the Order.

Yours faithfully

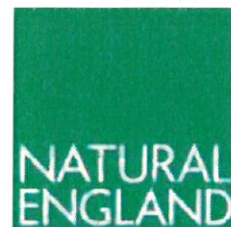
A handwritten signature in black ink, appearing to read 'D. Gillett', with a long horizontal flourish underneath.

David Gillett CBE; BSc (Civ. Eng); MICE; MIEE; C Eng  
RVR/TWA Project Manager



Date: 24 April 2018  
Our ref: 244992  
Your ref: Proposed Rother Valley Railway (Bodian to Robertsbridge Junction) Order

Secretary of State for Transport  
c/o Transport and Works Act Order Unit  
General Counsels Office  
Department for Transport  
Zone 1/18 – Great Minster House  
33 Horseferry Road  
London SW1 4DR



**BY EMAIL ONLY**  
**Transportandworksact@dft.gsi.gov.uk**

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

T 0300 060 3900

Dear Sir/Madam

**Transport and Works Act 1992**  
**The transport and Works (Applications and Objections Procedure) (England and Wales)**  
**Rules 20016**  
**Proposed Rother Valley Railway (Bodian to Robertsbridge Junction) Order**

Thank you for your consultation on the above dated 19 April 2018 which was received by Natural England on 24 April 2018.

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 Wildlife and Countryside Act 1981 (as amended)**  
**The Conservation of Habitats and Species Regulations 2017**  
**The National Park and Access to the Countryside Act 1949**

Natural England's comments in relation to this application are provided in the following sections.

**Statutory nature conservation sites – no objection**

Based upon the information provided, Natural England advises the Rother Valley Railway Limited that the proposal is unlikely to affect any statutorily protected sites.

**Protected landscapes**

The proposed development is for a site within or close to a nationally designated landscape namely High Weald AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.



Your decision should be guided by paragraph 115 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 116 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape. Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

### **Protected species**

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

### **Local sites**

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

### **Sites of Special Scientific Interest Impact Risk Zones**

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](https://data.gov.uk) website

We would be happy to comment further should the need arise but if in the meantime you have any





queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

Yours faithfully

Penny Dean  
Consultations Team

