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Our Ref: DW:100254.0001
Your Ref: JEW/33916/00001/PFI

25 July 2018

By e-mail and by post

Winckworth Sherwood
Minvera House
5 Montague Close
London
SE1 96B

FAO of Jane Wakeham

Dear Sirs

Transport and Works Act 1992
Proposed Rother Valley Railway (Bodiam to Robertsbridge Junction) Order ("the Order)

We write in response to your letter 11 July 2018 and will address each of the points you raise in turn.

First, you request copies of the WSP and Volterra "reports" in respect of highways, flooding and economic benefit matters. At present no formal reports exist. WSP and Volterra have issued initial internal advice to our clients following a review of the TWAO application documentation. The content of that advice is set out in the objection submitted to the Department of Transport which has been provided to your clients, and which accords with many of the points raised by Highways England, the Office of Rail and Road and the Environment Agency in their respective representations.

Our clients do not anticipate relying on these internal advice notes at the Public Inquiry, which will be the subject of more detailed evidence to be produced and circulated in accordance with the relevant Inquiries Procedure Rules.

Secondly, in respect of referencing issues, your assertion that our clients' response is "belated" is wholly inaccurate.

Your client wrote to our clients on 17 March 2018 requesting what you refer to as "Land Interest Information". The letter was accompanied by poorly produced A4 plans and a corresponding schedule. The letter did not request a response within a stated timeframe.

We note that your client had been in correspondence with the Department for Transport and certain stakeholders from at least the summer of 2017 regarding the TWAO application, but chose not to seek confirmation of the land ownership position from our clients until mid-March 2018. Given it had made public its intention to submit the application in April 2018 for many months, there was absolutely no reason why it could not have sought the requested information from our clients significantly earlier. This was fully

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in your client's control and the decision to delay contacting our clients was entirely at their risk.

This firm, in turn, responded to your client on 29 March 2018 to confirm we were instructed on this matter and to request accurate A1 plans (being the marked original sheet size of the plans). The letter confirmed that our clients would respond upon receipt of this information.

Your client did not respond to this letter until 19 April 2018 - the day the application was submitted to the Secretary of State. In its letter it simply asserted that the supplied plans were accurate and confirmed that the application had been submitted to the Secretary of State.

Rather than provide the requested information and await a substantive response from our clients, your client chose to submit the application nonetheless. Again, this was entirely their choice and at their risk in the event of any errors.

Copies of the plans at A1 scale were only subsequently provided by your client's surveyor after the application had already been submitted.

In respect of the errors within the book of reference we would confirm the position as follows.

Plot 62 within the Book of Reference, (shown on Sheets 3 and 4 of the applications plans) is described as "13571 square metres or thereabouts Arable land between A21 and Salehurst part of historic railway trackbed". The relevant owners of Plot 62 are erroneously recorded as Andrew Thomas Hoad and Lynn Hoad in the Book of Reference.

This Plot (which is proposed to be compulsorily acquired) is registered at HM Land Registry under Title Number ESX63603. The registered proprietors are Andrew Thomas Hoad and Thomas Hoad. This land is also jointly held in trust in favour of William Hoad.

Both Thomas Hoad and William Hoad should have been recorded as "owners" of Plot 62 within the Book of Reference. In turn neither Thomas Hoad nor William Hoad received the prescribed notice of the application to acquire land and rights in land compulsorily.

Against this background our client maintains that the application is invalid and that your client has not made diligent inquiry for the purpose of Rule 12(10) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006.

In respect of other parties, our clients understand that Mr and Mrs Eastwood of Quarry Farm lodged an objection with the Secretary of State which identified a number of issues.

We also note UK Power Networks and Salehurst and Robertsbridge Parish Council both have identified further errors in the Book of Reference.

Whilst writing we would request your response to the following matters:

i. One effect of the proposed Order would be to restrict access to the fields immediately to the west of the A21. No access is shown on the application drawings, and it is not apparent to our clients whether or how it can be achieved. Please can you confirm whether such access is to be provided, and if so, provide a drawing which demonstrates its location?

ii. You clients have for some considerable time publicly referred to a report produced by Steer Davies Gleave (now Steer) in respect of the economic impacts of the proposal. Our clients have repeatedly sought copies of the report and been advised that it will be provided when available. Given that the application was submitted over 3 months ago please can you confirm when our clients can expect to receive a copy?

iii. We understand that Manchester Metropolitan University first prepared a report in 2007 analysing the economic impact of the proposed railway. The 2013 report is in the public domain but please would you kindly provide a copy of the 2007 predecessor report?

iv. In respect of flooding matters, both the Capita Flood Risk Assessments refer to a modelling report to inform the assessments and relevant chapters of the Environmental Statement. Please would you kindly provide a copy of the modelling report. In turn reference is made to a flood model that assesses the 'before' and 'after' railway scenarios. Please would you confirm the extent of land and river catchment area included within the model – particularly in respect of our clients' landholdings.

We look forward to hearing from you.

Yours faithfully

RICHARD MAX & CO