



The Hoad family of Parsonage Farm, and the Trustees and Executors of the Noel de Quincey Estate and Mrs Emma Ainslie of Moat Farm

ROTHER VALLEY RAILWAY

Transport and Works Act 1992 (TWA):
Application for the Rother Valley Railway
(Bodium to Robertsbridge Junction) Order
Proof of Evidence: Flood Risk - Appendices

Chris Patmore CEnv, BEng, DIP EIA, MIEEnvSci, MCIHT, MCIWEM, MICRS
Reference: TWA/18/APP/02/OBJ/1002





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Appendix A: Correspondence



Appendix A1:

Secretary of State Letter, Ref. DPI/U1430/18/21(TWA/18/APP/02), dated:
08/06/2020



Mrs Joanna Vincent
Programme Officer
on behalf of the Inspector

Telephone: 0148 323 0164
Mobile: 07483 133 975
Ext: 2305
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joanna.vincent@gateleyhamer.com

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

Your Ref:

Our Ref: DPI/U1430/18/21
(TWA/18/APP/02)

Date: 08 June 2020

Sent by email:

jwakeham@wslaw.co.uk

Dear Ms Wakeham

THE TRANSPORT AND WORKS ACT 1992 (the 1992 Act): PROPOSED ROTHER VALLEY RAILWAY (BODIAM TO ROBERTSBRIDGE JUNCTION) ORDER

THE TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE) (ENGLAND AND WALES) RULES 2006 (the 2006 Rules)

Application by: ROTHER VALLEY RAILWAY LIMITED (RVR)

Site Address: THE FORMER ROTHER VALLEY RAILWAY BETWEEN BODIAM AND ROBERTSBRIDGE

REQUEST FOR FURTHER ENVIRONMENTAL INFORMATION

On 19 April 2018, Rother Valley Railway Limited (RVR) applied to the Secretary of State for Transport for the Rother Valley Railway (Bodiam to Robertsbridge Junction) Order (the Order) under the 1992 Act.

The Applicant's Statement of Case indicates that the purpose of the Order is to confer on RVR powers to construct, maintain and operate a re-instated railway along the route of the former Rother Valley Railway between Bodiam and Robertsbridge, thereby completing the 'Missing Link' and enabling the Kent and East Sussex Railway (K&ESR) to operate steam trains along the entirety of the historic route between the town of Tenterden and the main line railway at Robertsbridge.

The Environmental Statement (ES) accompanying the Order application was prepared under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 ('The 2011 EIA Regulations') to support a planning application to Rother District Council (RDC) for the Proposed Development, which was granted planning permission on 17 March 2017. By virtue of section 13A of the 1992 Act, the Applicant has submitted the ES to support the making of an EIA Order.

On 22 June 2017 the Secretary of State for Transport issued a Screening Opinion to the effect that, subject to qualifications, the environmental information incorporated in the ES would provide an ES of sufficient scope for the purposes of an application under the 1992 Act. An Environmental Statement Addendum, October 2017, was subsequently published to address the identified qualifications.

A significant period of time has now passed since the ES was prepared. Furthermore, there have been a number of changes to relevant Regulations and guidance, and in support of the application RVR now seeks to rely on additional environmental information that does not form part of the ES. The content of the ES has been considered, having regard to Rule 11 and Schedule 1 of the 2006 Rules and to The Environmental Impact Assessment (Miscellaneous Amendments Relating to Harbours, Highways and Transport) Regulations 2017 (the 2017 EIA Regulations).

Following examination of the ES in accordance with the 2006 rules and the 1992 Act, the Secretary of State notifies you by this letter, pursuant to Rules 17(1), 17(2) and 17(5) of the 2006 Rules and in accordance with Section 13A(3)(b) of the 1992 Act, that the Applicant's statement of environmental information should contain additional information in order to constitute an ES for the purposes of the application; that the further information specified below should be provided; and, that evidence is required to verify the findings of the ES and in order to enable the Secretary of State to reach a reasoned conclusion. The Applicant is required to supply the following further information, which is set out under the headings in the Applicant's ES:

Description of the scheme

- An updated construction and operation programme along with an updated commentary supporting the assessment chapters to reflect the changes in programme where relevant. Reason: The programme assumptions underpinning the ES assessment of construction and operational effects are at least five years out of date, therefore limited reliance can be placed on the assessment of effects;

Noise and vibration

- Updated baseline noise monitoring and assessment, or a detailed description explaining why the 2013 noise monitoring data and assessment remains representative of the current baseline position. Reason: The Secretary of State may determine to make an EIA order only if satisfied that the reasoned conclusion is up to date;

Air quality

- An updated construction dust assessment using a relevant assessment methodology such as the Institute of Air Quality Management (IAQM) Guidance on the assessment of dust from demolition and construction 2014. Reason: The assessment method for construction dust in the current ES refers to the Greater London Authority, 2006 Best Practice Guidance on the Control of Dust Emissions from Construction and Demolition. This document sets out how to approach the control of emissions at different sites but does not provide a method for the assessment of significance. The Applicant's assessment of construction dust significance references Institute of Air Quality Management (IAQM) 2012 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance'. However, the Applicant's assessment does not

reference the full IAQM criteria such as identifying receptors within 500m of haul routes. The 2012 guidance was also superseded by IAQM 2014 'Guidance on the assessment of dust from demolition and construction';

- An updated assessment of emissions to air arising from traffic at level crossings, unless otherwise robustly justified. This should include calculations and an assessment of the potential increases in concentrations at relevant receptors due to the development. The Applicant should ensure that the updated assessment utilises the most recent and relevant data and tools available, such as the Emissions Factor Toolkit (EFT), DfT traffic count data and TEMPRO growth factors. Any justification in support of the current approach from the Applicant should be fully explained and confirm why the DMRB Screening Tool was not used as suggested in paragraph 7.3.7 of Volume 2 of the ES. Reason: Whilst indicating in paragraph 7.3.5 that changes in vehicle speeds may signal a significant change, the ES does not consider the likely impact of the level crossings in that respect. The more recent 2018 Air Quality Statement (AQS)¹ provides an assessment of the likely effects of emissions from vehicles at level crossings and from steam and diesel locomotives, which were only dealt with in a cursory manner in the ES. Traffic data is derived from a 2011 traffic impact study, incorporating baseline traffic data from 2010. The average level crossing closure time of 51 seconds rather than a worst case 112 seconds has been used to calculate emissions in the AQS. Traffic growth forecasts are made for 2010-2016 and 2010-2021. The Applicant provided an update to the traffic impact study to the Office for Rail and Road (ORR) in 2018, which assumes a closure time of 55 seconds with a sensitivity test of 110 seconds closure. Section 5.3 of the AQS states that changes in pollution levels in areas with low concentrations are likely to be negligible if they are 5% or less. Table 4.1 of the AQS indicates that increases of greater than 5% are expected on the A21 but does not explain the significance of these increases in terms of standard significance criteria, such as the 2017 IAQM/EPUK guidance ('Land-Use Planning & Development Control: Planning for Air Quality');
- A detailed explanation of the level of significance assigned to the estimated emission of an additional 525 kg/km/per annum of SO₂ and 206 kg/km/per annum NO_x in the AQS. The explanation should include reference to significance criteria applied to NO_x, NO₂, SO₂ and PM₁₀ at relevant receptors. Reason: The AQS and ES lack justification for the conclusion that emissions from steam/diesel engines are insignificant;
- Please provide further details regarding the potential effects at identified receptor points surrounding the proposed engine shed. Consideration should also be given to short term receptors including Public Rights of Ways (PRoW). Reason: The AQS identified in section 4.2 that the Great Central Railway (GCR) AQMA was declared due to short-term exposure to high levels of SO₂. The Applicant has not described how it will mitigate against and monitor the potential exceedances in short-term concentrations of SO₂ surrounding the engine shed in Robertsbridge;

Landscape and visual

- A detailed description of the lighting required at level crossings and any effects arising from the operation of such lighting (e.g. on night-time views from residential receptors or on bat flight paths), signposting to where such information is presented

¹ RVR/60

in the ES or ES addendums or robust justification that such lighting would not give rise to likely significant effects. Reason: The operation of the railway is primarily a daytime activity, although ES Volume 2, Chapter 2 indicates that a diner service will operate until 23.00 hrs. It is noted that the draft Order identifies that protective equipment may be placed at level crossings and that the definition of protective equipment includes lights. It is unclear what scale of lighting is proposed or how lighting will operate. Reference is made to warning lights in ES Volume 2, paragraph 2.9.9 and paragraph 9.5.28 suggests that only very limited amounts of new lighting are proposed and that this *"is not anticipated to disadvantage any species such that no specific mitigation is proposed. Lighting specification will follow BCT guidance"*. Given that the extent or scale of lighting in operation is unclear, particularly at level crossings, it is necessary to explain how the assessment of significance has been made;

- Details of the actual landscape screening mitigation to be secured in respect of Robertsbridge Abbey. Reason: ES paragraph 8.7.12 suggests that mitigation will include minimising damage and 'gapping up' breaks in vegetation, whereas ES Section 12.6 implies that screening will be difficult or limited and ES paragraph 12.8.4 considers that the removal of vegetation could be beneficial to views. Paragraph 2.7.3 of the 2017 ES addendum suggests that planting will only be provided 'where compatible with the operation of the railway'. The further information is required to provide clarity regarding the mitigation proposals and to aid understanding of the efficacy that screening mitigation has to findings of significance;

Ecology and Nature Conservation

- Updated baseline data searches and surveys and an updated assessment of effects where relevant. The assessment should be conducted using a recognised methodology such as the most recent methodology published by the Chartered Institute for Ecology and Environmental Management (CIEEM). Sensitive species data should be provided in a redacted and non-redacted form. Reason: ES baseline data searches and survey are considerably out of date mostly from 2013. The search data is not included in the 2013 Phase 1 habitat survey presented in ES volume 3, although a placeholder is provided at Appendix 7. An attempt to update the baseline information is explained in section 4.5 and section 4.9 of the 2016 ES addendum, however the associated data searches are not provided. Since baseline datasets from ecological recorders are updated over time and given the additional time elapsed, the Secretary of State considers that updated information is required to ensure that the assessment of significant effects and any mitigation measures proposed remain appropriate. In some cases, rather than assuming species are present, as a worst case, the missing search data is relied on to indicate that species are not present, e.g. Schedule 1 birds;
- The Applicant should provide the targeted species survey information recommended in the 2013 Ecological assessment or an expanded explanation as to why access was not available/has not become available in respect of each of the species referenced for further survey work. Reason: The ES should make reasonable efforts to include a description of the relevant aspects of the current state of the environment. Where access is possible, the ES should be informed by up to date survey information rather than a hypothetical worst case. Section 10 of the Applicant's Phase 1 Habitat Survey in ES Volume 3 highlights a series of further surveys that are required and makes reference to having full access to one area.

Appendix 2 of that report indicates the extent of access for surveys. Some surveys e.g. Great Crested Newt Surveys are clearly ruled out on the basis of inaccessibility, however bat surveys indicated as necessary at TN11 appear to be within the accessible footprint. The Applicant also explains in its Statement of Case that it now has increased access to the railway line, which has enabled extensive surveys to be completed from Junction Road to Austen's Bridge;

Water quality, hydrology and hydrogeology

- An updated flood risk assessment (FRA) making appropriate allowance for climate change in accordance with the Planning Practice Guidance on Flood Risk assessments, which incorporates the revised UKCP18 climate projections and gives specific guidance in relation to Flood Zone 3b-Functional Floodplain. The updated FRA should include detailed justification relating to the Exception Test. Reason: Subsequent to the 2016 Flood Risk Assessment submitted in the ES Addendum, the Met Office has published the higher resolution UKCP18 projections. The updated assessment is required to ensure that the flood model takes into account the most up to date river flow allowances, ensuring that any flood mitigation is of sufficient scope (for example, whether flood plain storage compensation is required and if it is, where it would be provided). An update to the Exception Test is required that demonstrates that the Proposed Development will provide wider sustainability benefits to the community that outweigh flood risk, that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall;
- A justification in support of the worst case assessment of likely significant effects to water quality. Reason: ES Chapter 10 provides a qualitative assessment of emissions to water and groundwater during construction and operation. ES Chapter 10, paragraph 10.5.23 regarding mitigation states that *"Surface water runoff management of the scheme and the potential water quality impacts from surface water leaching through potentially contaminated embankments and holt should to be discussed with the Environment Agency"* and in relation to residual effects in paragraph 10.6.4 that *"Further consultation with the Environment Agency with regards to the Scheme drainage design is required"*. The summary of residual effects concludes that there are no residual effects during the construction phase. It is unclear, in light of the requirement for further consultations, how the conclusions address the worst case scenario for the Proposed Development;
- An updated Water Framework Directive (WFD) assessment taking into account design changes, such as reductions in culvert size (e.g. for otters). Where possible, the assessment should present evidence that the assessment has been agreed with the Environment Agency. Reason: The 2016 ES addendum provided commentary on effects on ecology due to design changes, no update to the WFD analysis was provided in respect of the revised designs. The Applicant is reminded that the Secretary of State must exercise its relevant functions so as to secure compliance with the requirements of the WFD as outlined in the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017;
- An updated description of the methodology and approach used to collect baseline data used to inform the water quality, hydrology and hydrogeology baseline, including confirmation of the study area. Reason: ES paragraph 4.2.1 states that individual study areas have been defined for each environmental discipline. The ES does not clearly identify the study area and basis for baseline data collection;

Land Quality

- Provide the appendices to ES volume 3, section 6. Reason: The cover page to ES volume 3, section 6 states that "*Appendices are available on request*". The reports are EnviroInsight reports and GeoInsight reports that should be provided to enable an informed understanding of the baseline ground conditions at the site;

Transport

- An update to the transport assessment chapter, incorporating the results of the 2018 addendum to the Traffic Impact Study submitted in January 2020 to the ORR. Reason: The transport chapter relies on baseline data from 2010, which may no longer be representative;

Socio-economics

- An update to the socio-economic analysis, where relevant incorporating the findings of the Steer Economic Impact Report², or robust justification as to why the assessment conclusions remain representative. Reason: The socio-economic chapter includes analysis that was originally prepared in 2007 and updated in 2013. It is likely that baseline conditions have evolved since 2013. The Steer Economic Impact Report includes data from 2018 regarding the economic effects of the proposed development;

Land-use and agriculture

- A detailed justification explaining why the conclusion of no residual significant effects in relation to construction or operation remains representative e.g. with reference to a worst case assessment of effects on landholdings. Reason: ES paragraph 15.5.21 states that further assessment is required to fully understand impacts and mitigation measures – therefore the current assessment of impacts on farm holdings is incomplete and it is unclear how conclusions of negligible impacts on viability have been drawn;

Cumulative effects

- An updated cumulative effects assessment with other relevant developments agreed with RDC where possible. Reason: The original assessment refers to now withdrawn guidance and identifies only one other relevant development applicable to the cumulative assessment. Having regard to the time that has elapsed, the cumulative effects assessment may no longer be representative (e.g. baseline conditions may already have changed);

Other

- An assessment of the significant effects resulting from the proposed development with respect to climate change, human health and major accidents or disasters, unless otherwise robustly justified. A summary of any required monitoring measures and remedial action to be taken in the event that monitoring identifies a requirement for corrective action. A reference list detailing the sources used for the descriptions and assessments included in the ES. Any other matters that the Applicant deems

² RVR/09

may be required. Reason: To take into account the revision to Schedule 1 of the 2006 Rules, introduced by the 2017 EIA Regulations;

- An explanatory note, detailing the documents that now comprise the Applicant's ES or a conformed ES document. Reason: To ensure clarity regarding the documents that comprise the Applicant's 'EIA Information';
- A revised non-technical summary (NTS) incorporating all of the elements referred to above. Reason: Required by Schedule 1 of the 2006 Rules.

We would draw your attention to court cases which have stressed the need for all the relevant environmental information in an ES to be comprehensive and easily accessible.

You can access Rule 17 of the 2006 Rules at the following direct link:

<http://www.legislation.gov.uk/uksi/2006/1466/contents/made>

The Applicant shall publicise the environmental information in accordance with the requirements of Rule 17(4) of the 2006 Rules. Please can you advise the Inquiry Programme Officer when the environmental information is publicised.

We would be grateful if you could inform us, **within 2 weeks** of the date of this letter, the reasonably practicable date by which you will prepare the environmental information, so that an expected submission date can be identified. Please send your response for the attention of the Inquiry Programme Officer using the contact details at the head of this letter. Due to the current COVID-19 situation, please ensure that any hard copy submissions are accompanied by an electronic copy, submitted to the email address details above.

A copy of this letter will be placed on the inquiry website:

<http://rother-valley.gateleyhamer-pi.com/docs>

Yours sincerely,

Ian Jenkins

**Inspector
(Signed with the authority of the Secretary of State)**

cc. The Transport Infrastructure Planning Unit, Department for Transport



Appendix A2:

Environment Agency consultation response letter, Ref. KT/2014/118770/03-L01, dated: 19/12/16

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

ROTHER DISTRICT COUNCIL	
PLANNING DEPT.	
REC'D	20 DEC 2016
REFERRED TO:	
REPLY REQUIRED:	
ACK CARD DATE SENT:	

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.

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



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

Environment Agency
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www.gov.uk/environment-agency

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

Environment Agency
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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

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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).

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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

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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

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Appendix A3:

Environment Agency scoping opinion letter, Ref. KT/2017/122923/01-L01,
dated: 09/06/17



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

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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



Appendix A4:

Environment Agency TWAO letter, Ref. KT/2018/124176/01-L01, dated:
24/05/18

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

Our ref: KT/2018/124176/01-L01
Your ref: DG/19/03/18 TWAO
Date: 24 May 2018

Dear Mr. Chris Grayling MP

Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction) Transport and Works Act Order Application - Robertsbridge

Thank you for consulting us on the above proposal. We have reviewed the Order for the proposed Bodiam to Robertsbridge Junction. We have significant concerns about the disapplication of legislative provisions as outlined in Part 1- Sc5. (1) (a), (b) and (c) and **object** to the above Transport and Works Act Order on this basis.

In previous correspondence with the Local Planning Authority and the Transport and Works Act Order Unit we outlined that there are further considerations that require additional evidence (our letter RE the Environmental Statement dated 9 June 2017 ref KT/2017/122923/01-L01)

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

The applicant, Rother Valley Railway, is yet to satisfy these considerations.

Disapplication of legislative provisions

We **object** to the Disapplication of Legislative Provisions as specified Sc5. (1) (a), (b) and (c).

We do not consider that sufficient evidence has been produced in order to demonstrate that the proposed works will not create or exacerbate flood risk. The current Flood Risk Assessment (FRA) identifies increases in flood depths and it is therefore essential that further work is undertaken in the form of an appropriate flood storage compensation scheme to ensure that in the post-development scenario, there is, as a minimum, no adverse impact on flood risk compared to the baseline scenario.

We requested conditions of planning to this effect in our letter ref KT/2014/118770/03-L01 dated 19th December 2016 and would expect these conditions to be met in full before any Flood Risk Activity Permits (FRAPS) associated with the proposal could be properly considered.

Given the number of structures (bridges, culverts etc) that are integral to the scheme but

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have yet to be fully assessed in the context of a site wide FRA, we are not in a position to approve the disapplication of FRAPS as this could lead to an increase in flood risk to adjacent land and property and have a significant impact on ecology. It is also essential that sufficient access is retained for essential maintenance and improvement works to main rivers and any structures therein.

To date ecological surveys have not been undertaken and therefore the impact of the development on surrounding biodiversity cannot be fully assessed. FRAPS are bespoke and so we will need to analyse surveys and mitigation at every required location in assessing the risks to the environment.

Discharge of Water

We do not agree to the wording of Part 2 Sc16. (6) and wish to amend the clause to read *The Company must take steps to secure any water discharged into a watercourse or public sewer or drain under the powers conferred by this article is free from fine or coarse suspended solids (silty water), oil or matter in suspension.*

We welcome Part 2 Sc16c (7) EPR permit for discharges (7) *Nothing in this article overrides the requirement for an environmental permit under regulation 12(1)(b) (requirement for environmental permit) of the Environmental Permitting (England and Wales) Regulations 2016.*

Access to Assets

We have a number of sites that provide real time data for the abstraction management, flood warning systems, drought monitoring and regulation of watercourses, which may be impacted by proposed reinstatement and ancillary works of the RVR between Robertsbridge and Junction Road (B2244).

We welcome discussions at the earliest opportunity to decide how we can continue to have access rights for maintenance, installation and data gathering from our assets.

Informative

Developers are reminded that it is their duty under planning law to ensure safe and sustainable developments and under separate environmental legislation to not cause or knowingly permit pollution of the environment, harm to human health or detriment to the amenity of the area around the development.

If any unexpected contamination is discovered during development the LPA may need to re-appraise the site proposals and re-consult us if there are risks to controlled waters identified.

We recommend that the applicant:

- Applies the risk-based framework set out in the Model Procedures for the Management of Land Contamination (CLR 11) and follows the guidance in that document so that the best decisions are made for the site,
- Refers to the Environment Agency guidance on requirements for land contamination reports
- Uses BS 10175 2001, Investigation of Potentially Contaminated Sites – Code of Practice as a guide to undertaking the desk study and site investigation scheme
- Uses MCERTS accredited methods for testing contaminated soils at the site, and
- Consult our website at www.environment-agency.gov.uk for further information about any permissions that may be required.

Pollution Prevention

You are reminded that it is an offence under Regulation 38 of The Environmental Permitting (England and Wales) Regulations 2010 to cause or knowingly permit a water discharge activity or ground water activity. Care must be taken to ensure that neither the watercourse nor groundwater becomes polluted, particularly by, for example diesel fuel, petrol and oil from machinery. All fuels, oils and chemicals must be stored securely and any large containers left on site must be banded. Care should also be taken when filling machinery to ensure that diesel/petrol/oil is not spilt on the ground. Spillages must not be washed away, but absorbed by some medium and then removed from site to a suitable licensed waste facility. Any such incidents must be reported to the Environment Agency immediately (Emergency Tel No 0800 807060). Copies of the Environment Agency's Pollution Prevention Guidelines (PPG5) and (PPG6) are either attached for your information or if not available upon request.

Any waste generated in the course of the works must be disposed of in accordance with the provision of the Environmental Protection Act 1990. Persons carrying waste are required by law to register with the Environment Agency as a Waste Carrier (subject to certain exceptions). The deposit, keeping, treating or disposal of waste should only take place at premises licensed by the Environment Agency to receive the waste (subject to certain exceptions and exemptions). When you give waste to someone else, details of the transfer of waste should be described on a document called a Duty of Care Transfer Note.

If the waste contains any properties that are hazardous to health or the environment, the waste will be classed as 'Hazardous Waste' as defined in the Hazardous Waste Regulations 2005. These Regulations place specific requirements on the producer and carrier of such waste. Further information can be found on the Agency's website (www.environment-agency.gov.uk) or by contacting the National Customer Contact Centre on 03708 506506.

Please note

It is conceivable that mitigation may also be required and warn that it may be needed on land not included in boundary of the Order.

Overcoming our objection

As they stand, the Protective Provisions outlined in Schedule 8 Part 3 do not meet our requirements. For our objection to be lifted it is vital that the Protective Provisions provide the equivalent of our permitting remit for the proposed works in and around the River Rother and the surrounding land. Without the flexibility of extensive amendments we will maintain our objection; as the impact of flooding as a result of the railway cannot be quantified.

Please do not hesitate to contact me should you wish to discuss the above.

Yours sincerely

Mr Richard Penn
Environment Planning and Engagement Manager
Direct dial
Direct e-mail richard.penn@environment-agency.gov.uk



Appendix A5:

WSP Record of meeting notes, Ref. 70047158, dated 01/10/18

AGENDA & MEETING NOTES

PROJECT NUMBER	70047158	MEETING DATE	01 October 2018
PROJECT NAME	Rother Valley Railway	VENUE	Environment Agency, Orchard House
CLIENT	Client	RECORDED BY	SK
MEETING SUBJECT	Rother Valley Railway – Flood Risk		

PRESENT	Chris Patmore (WSP) Simon King (WSP) Sophie Page (Environment Agency) Meriel Mortimer (Environment Agency) Claire Ingreby (Environment Agency)
APOLOGIES	None
DISTRIBUTION	As above
CONFIDENTIALITY	Restricted

ITEM	SUBJECT	ACTION	DUE
1	Introductions		
1.1	CP explained that WSP were appointed by the landowners affected by the proposed scheme and that they are intending to object to the Compulsory Purchase Order received as part of the Transport and Works Act Order.		
1.2	SP explained that the Compulsory Purchase Order and the Transport and Works Act Order are intrinsically linked and that the two processes cannot be separated.		
1.3	The Environment Agency team explained its involvement with the scheme to date as a statutory consultee on flood risk. In total the Environment Agency requested that twelve conditions were imposed as part of Planning Decision Notice RR/2014/1608/P.		
2	Floodplain Compensation		
2.1	CP explained that the land take identified as part of the Compulsory Purchase Order does not include areas potentially required to deliver the necessary floodplain compensation.		

2.2	The Environment Agency confirmed that the nature and extent of the required floodplain compensation was not submitted as part of the planning application. However, the Environment Agency took the view that a solution was feasible and that this could be demonstrated as part of the discharge of a pre-commencement planning condition (Condition 9). Consequently, the areas required to deliver the necessary floodplain compensation have yet to be determined.		
2.3	The Environment Agency confirmed that Condition 9 (Flood Risk) may not be able to be discharged should a deliverable solution not be identified.		
2.4	The Environment Agency confirmed that the applicants hydraulic model submitted as part of the planning application underwent a thorough internal review prior to approval. The Environment Agency is aware of inaccuracies within the original hydraulic model on which the applicant's model is based. However, it confirmed that, as the applicant is only required to demonstrate the potential impact of the proposed scheme, the Environment Agency does not expect the applicant to address issues with the existing model.		
2.5	The Environment Agency confirmed that the applicant was unable to access the site to survey the proposed watercourse crossing locations. Consequently, the representation of the proposed scheme within the post-development hydraulic model submitted with the planning application was based on assumed culvert locations, sizes and levels.		
2.6	The Environment Agency confirmed that as part of the discharge of the Condition 9 (Flood Risk) they would expect the applicant to submit a revised hydraulic model, including final crossing designs based on site-specific survey data.		
2.7	The Environment Agency confirmed that it would expect the proposed fluvial flood risk mitigation measures to be designed to ensure that there is no increase in peak flood depths or extents across the scheme.		
3	Access and Maintenance		
3.1	The Environment Agency explained that it had originally objected to the Transport and Works Act Order as they were concerned about ensuring access provisions for the River Rother.		
3.2	The Environment Agency identified that provisions equivalent to those already provided by the Flood Risk Activity Permit system were proposed for inclusion within the Transport and Works Act Order. The Environment Agency's latest response to the consultation process was submitted on 20 September 2018 and is likely to be publicly available. SP to check if they are able to share this document directly with WSP.	EA	
3.3	The Environment Agency explained that an amendment to the planning approval notice has been requested to change the wording of		

MEETING NOTES

	Condition 4 (Buffer Zone) to specify the required 8 m buffer zone is to start from the to the bottom of the proposed railway embankment rather than the top as previously stated.		
4	Hydrology, Climate Change and Freeboard Allowances		
4.1	SK enquired whether as part of the updates to the hydraulic model required to discharge Condition 9 (Flood Risk) the inflow hydrology, climate change allowances, or freeboard allowances would be required to be updated to reflect latest methodologies, data-sets, and policies. The Environment Agency confirmed that, as the proposed scheme entered into the planning system prior to these updates, the information current at the outset of the planning process would still be applicable.		
5	Water Quality and Drainage		
5.1	CP enquired to what extent water quality was considered as part of the planning application with respect to the location of the proposed construction compound, routine surface water runoff and accidental spillages associated with the operation of the railway, and the integrity of the railway embankment during a flood event.		
5.2	The Environment Agency advised that the proposed compound location shown on the drawings prepared as part of the Compulsory Purchase Order was not submitted as part of the original planning application. The compound would be considered as part of the discharge of Condition 10 (Flood Defence Integrity).		
5.3	The Environment Agency confirmed that the applicant would be required to demonstrate the structural integrity of the embankment during a flood event as part of the discharge of Condition 9 (Flood Risk).		
5.4	The Environment Agency confirmed that the Lead Local Flood Authority should be consulted on the detailed design of the proposed drainage strategy for the scheme. The Environment Agency have proposed provisions for inclusion within the Transport and Works Act Order to ensure that the potential impact of the scheme on water quality is considered and that the proposed pollution prevention methods would be considered as part of the discharge of Condition 6 (Construction and Environmental Management Plan).		
6	Any Other Business		
6.1	CP confirmed that WSP has submitted its Statement of Case and that he would confirm whether it can be released directly to the Environment Agency.	WSP	

NEXT MEETING

An invitation will be issued if an additional meeting is required.



Appendix A6-1:

Environment Agency current position letter, Ref. KT/2018/124176/06, dated:
26/03/19

Secretary of State for Transport
C/o Transport and Works Act Orders Unit
Department for Transport
Zone 1/18
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our ref: KT/2018/124176/04
Your ref: TWA/18/APP/02/OBJ/178
Date: 26 March 2019

Dear Mr. Chris Grayling MP

Transport and Works Act: Application for the Rother Valley Railway (Bodiam to Robertsbridge Junction) Order

Current Position – March 2019

We have had meaningful discussions with the applicants since submitting our Statement of Case in September 2018 and have agreed wording for the Protective Provisions for Schedule 8, Part 3 – *For the Protection of Drainage Authorities and the Environment Agency* of the above order application. These are appended to this letter. As such we are now in a position to **remove our objection** to the above Order, save for one outstanding point, outlined in our Statement of Case in section 3.5 (reiterated here).

3.5 Rother Valley Railway seek to include deemed approval within the protective provisions of the draft Order. This is contradictory to current legislation. Section 5, paragraph 15 of the Environmental Permitting (England and Wales) Regulations 2016 states:

“If the regulator has not determined an application within the relevant period and the applicant serves a notice on the regulator which refers to schedule 5 paragraph 15 then the application is deemed to have been refused on the day on which the notice is served.”

In light of this we request that the protective provisions are amended as per our submitted version to include deemed refusal as set out in Part 3(17) of Schedule 8 of the draft Order.

We will be pleased to offer further information in support of this position to assist the Inspector with the Inquiry in 2020. The decision of the Secretary of State for Transport on this issue will be written into the Protective Provisions for the Order and both parties agree to abide by that decision.

Please note that whilst we are able to remove our original objection, we reserve the right to raise further objection if future amendments to the Order application are detrimental to our interests in connection with, or to the discharge of, our statutory duties.

We note the date of the Inquiry has been postponed for 12 months to allow the applicants more time to discuss outstanding objections from other statutory consultees and affected parties. Please do contact us with any updates using the email kslplanning@environment-agency.gov.uk.

Please do not hesitate to contact me should you wish to discuss the above.

Yours sincerely

Sophie Page

Mrs Sophie Page

Planning Specialist

Direct line 020 8474 8030

Direct e-mail sophie.page@environment-agency.gov.uk

Enc Schedule 8, *Protective Provisions Part 3 – For the Protection of Drainage Authorities and the Environment Agency* – Amended

Cc Richard Penn – Environment Agency
Rother Valley Railway
Winkworth Sherwood



Appendix A6-2:

Schedule 8 – Protective Provisions, dated 26/03/19

STATUTORY INSTRUMENTS

201X No.[XXXX]

TRANSPORT AND WORKS, ENGLAND

TRANSPORT, ENGLAND

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

SCHEDULE 8

Article 40

PROTECTIVE PROVISIONS

PART 3

**FOR THE PROTECTION OF DRAINAGE AUTHORITIES AND THE
ENVIRONMENT AGENCY**

16.—(1) The following provisions of this Part of this Schedule apply for the protection of the drainage authority unless otherwise agreed in writing between the Company and the drainage authority.

(2) In this Part of this Schedule—

“the Agency” means the Environment Agency;

“a category 1 specified work” means so much of any permanent or temporary work or operation authorised by this Order (which includes, for the avoidance of doubt, any dredging and any geotechnical investigations that may be undertaken) as consists of—

- (a) erecting any structure (whether temporary or permanent) in, over or under a main river if the work is likely to affect any drainage work which is or includes a main river or the volumetric rate of flow of water in or flowing to or from any main river;
- (b) the carrying out of any work of alteration or repair of any structure (whether temporary or permanent) in, over or under a main river if the work is likely to affect the flow of water in the main river or to affect any drainage work;
- (c) erecting or altering any structure (whether temporary or permanent) designed to contain or divert the floodwaters of any part of a main river; or
- (d) any work or operation that is in, on, under, over or within 8 metres of a drainage work which is or includes a main river or is otherwise likely to affect any such drainage work or the volumetric rate of flow of water in or flowing to or from any drainage work;
- (e) any work likely to affect the flow, purity or quality of water in any watercourse or other surface waters or groundwater;
- (f) any work or operation likely to cause obstruction to the free passage of fish or damage to any fishery;

“a category 2 specified work” means any of the following—

- (a) erecting any mill dam, weir or other like obstruction to the flow of any ordinary watercourse, or raising or otherwise altering any such obstruction;
- (b) erecting a culvert in any ordinary watercourse;
- (c) altering a culvert in a manner that would be likely to affect the flow of any ordinary watercourse; or
- (d) altering, removing or replacing a structure or feature designated by a local drainage authority under Schedule 1 to the Flood and Water Management Act 2010(a);

“construction” includes execution, placing, altering, replacing, relaying, excavating and removal and “construct” and “constructed” are construed accordingly;

“the drainage authority” means—

- (a) in relation to a category 1 specified work, the Agency;
- (b) in relation to a category 2 specified work, the drainage board concerned within the meaning of section 23 of the Land Drainage Act 1991(b).

“drainage work” means any watercourse and includes any land which provides or is expected to provide flood storage capacity for any watercourse and any bank, wall, embankment or other structure, or any appliance, constructed or used for land drainage, flood defence or tidal monitoring;

“the fishery” means any waters containing fish and the spawn, habitat or food of such fish;

“a main river” and “ordinary watercourse” have the meanings given by respectively the Water Resources Act 1991(c) and the Land Drainage Act 1991;

“plans” includes but is not limited to sections, drawings, specifications and method statements;

“specified work” means a category 1 specified work or a category 2 specified work.

17.—(1) Before beginning to construct any specified work, the Company must submit to the drainage authority plans of the specified work and such further particulars available to it as the drainage authority may within 28 days of the receipt of the plans reasonably require.

(2) Any such specified work must not be constructed except in accordance with such plans as may be approved in writing by the drainage authority, or determined under paragraph 27.

(3) Any approval of the drainage authority required under this paragraph—

- (a) must not be unreasonably withheld;
- (b) is deemed to have been **refused/given** if it is neither given nor refused within 2 months of the receipt of the plans for approval or where further particulars are submitted under sub paragraph (1) within 2 months of the submission of those particulars and, in the case of a refusal, accompanied by a statement of the grounds of refusal; and
- (c) may be given subject to such reasonable requirements as the drainage authority may make for the protection of any drainage work, fishery, aquatic wildlife, water resources, or for the prevention of flooding or pollution or in the discharge of its environmental duties.

(4) The drainage authority must use its reasonable endeavours to respond to the submission of any plans before the expiration of the period mentioned in sub-paragraph (3)(b).

18. Without limitation on the scope of paragraph 17, the requirements which the drainage authority may make under that paragraph include conditions requiring the Company at its own expense to construct such protective works, whether temporary or permanent, before or during the construction of the specified works (including the provision of flood banks, walls or embankments or other new works and the strengthening, repair or renewal of existing banks, walls or embankments) as are reasonably necessary—

- (a) to safeguard any drainage work against damage; or

(b) to secure that its efficiency for flood defence purposes is not impaired and that the risk of flooding is not otherwise increased, by reason of any specified work;

(c) to provide environmental protection for aquatic wildlife.

19.—(1) Subject to sub-paragraph (2), any specified work, and all protective works required by the drainage authority under paragraph 18, must be constructed—

(a) Without unnecessary delay in accordance with the plans approved or settled under this Part of this Schedule; and

(b) to the reasonable satisfaction of the drainage authority,

and an officer of the drainage authority is entitled to watch and inspect the construction and operation of such works.

(2) The Company must give to the drainage authority not less than 14 days' notice in writing of its intention to commence construction of any specified work and notice in writing of its completion not later than 7 days after the date on which it is completed.

(3) If any part of a specified work or any protective work required by the drainage authority is constructed otherwise than in accordance with the requirements of this Part of this Schedule, the drainage authority may by notice in writing require the Company at the Company's own expense to comply with the requirements of this Part of this Schedule or (if the Company so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed) to remove, alter or pull down the work and, where removal is required, to restore the site to its former condition to such extent and within such limits as the drainage authority reasonably requires.

(4) Subject to sub-paragraph (5) and paragraph 23, if within a reasonable period, being not less than 28 days from the date when a notice under sub-paragraph (3) is served upon the Company, it has failed to begin taking steps to comply with the requirements of the notice and subsequently to make reasonably expeditious progress towards their implementation, the drainage authority may execute the works specified in the notice and any expenditure incurred by it in so doing is recoverable from the Company.

(5) In the event of any dispute as to whether sub-paragraph (3) is properly applicable to any work in respect of which notice has been served under that sub-paragraph, or as to the reasonableness of any requirement of such a notice, the drainage authority must not except in an emergency exercise the powers conferred by sub-paragraph (4) until the dispute has been finally determined.

(6) If by reason of construction of the specified work the Agency's access to flood defences or equipment maintained for flood defence purposes is materially obstructed, the Company must, within a reasonable period provide such alternative means of access to allow the Agency to maintain the flood defence or use the equipment no less effectively than before the obstruction.

20.—(1) Subject to sub-paragraph (5) the Company must from the commencement of the construction of any protective works and the specified works maintain in good repair and condition and free from obstruction any drainage work which is situated within the limits of deviation and on land held by the Company for the purposes of or in connection with such protective works and the specified works, whether or not the drainage work is constructed under the powers conferred by this Order or is already in existence.

(2) If any such drainage work which the Company is liable to maintain is not maintained to the reasonable satisfaction of the drainage authority, the drainage authority may by notice in writing require the Company to repair and restore the work, or any part of such work, or (if the Company so elects and the drainage authority in writing consents, such consent not to be unreasonably withheld or delayed), to remove the work and restore the site to its former condition, to such extent and within such limits as the drainage authority reasonably requires.

(3) Subject to paragraph 24 if, within a reasonable period being not less than 28 days beginning with the date on which a notice in respect of any drainage work is served under subparagraph (2) on the Company, the Company has failed to begin taking steps to comply with the reasonable requirements of the notice and has not subsequently made reasonably expeditious progress towards their implementation, the drainage authority may do what is necessary for such compliance and may recover any expenditure reasonably incurred by it in so doing from the Company.

(4) In the event of any dispute as to the reasonableness of any requirement of a notice served under sub-paragraph (2), the drainage authority must not except in a case of an emergency exercise the powers conferred by sub-paragraph (3) until the dispute has been finally determined.

(5) This paragraph does not apply to—

- (a) drainage works which are vested in the drainage authority, or which the drainage authority or another person is liable to maintain and is not precluded by the powers of the Order from doing so; and
- (b) any obstruction of a drainage work for the purpose of a work or operation authorised by this Order and carried out in accordance with the provisions of this Part of this Schedule.

21. Subject to paragraph 24, if by reason of the construction of any protective works or specified work or of the failure of any such work the efficiency of any drainage work for flood defence purposes is impaired, or that drainage work is otherwise damaged, such impairment or damage must be made good by the Company to the reasonable satisfaction of the drainage authority and if the Company fails to do so, the drainage authority may make good the same and recover from the Company the expense reasonably incurred by it in so doing.

22.—(1) The Company must take all such measures as may be reasonably practicable to prevent any interruption of the free passage of fish in the fishery during the construction of any protective or specified work.

(2) If by reason of—

- (a) the construction of any protective work or specified work; or
- (b) the failure of any such work,

damage to the fishery is caused, or the Agency has reason to expect that such damage may be caused, the Agency may serve notice on the Company requiring it to take such steps as may be reasonably practicable to make good the damage, or, as the case may be, to protect the fishery against such damage.

(3) Subject to paragraph 24, if within such time as may be reasonably practicable for that purpose after the receipt of written notice from the Agency of any damage or expected damage to a fishery, the Company fails to take such steps as are described in sub-paragraph (2), the Agency may take those steps and may recover from the Company the expense reasonably incurred by it in doing so.

(4) Subject to paragraph 23, in any case where immediate action by the Agency is reasonably required in order to secure that the risk of damage to the fishery is avoided or reduced, the Agency may take such steps as are reasonable for the purpose, and may recover from the Company the reasonable cost of so doing provided that notice specifying those steps is served on the Company as soon as reasonably practicable after the Agency has taken, or commenced to take, the steps specified in the notice.

24. Nothing in paragraphs 19(4), 20(3), 21, 22(3) and (4) authorises the drainage authority to execute works on or affecting an operational railway forming part of the Company's undertaking without the prior consent in writing of the Company such consent not to be unreasonably withheld or delayed.

25. The Company must indemnify the drainage authority in respect of all costs, charges and expenses which the drainage authority may reasonably incur or have to pay or which it may sustain—

- (a) in the examination or approval of plans under this Part of this Schedule;
- (b) in the inspection of the construction or operation of the specified works or any protective works required by the drainage authority under this Part of this Schedule.

26.—(1) Without affecting the other provisions of this Part of this Schedule, the Company must indemnify the drainage authority from all claims, demands, proceedings, costs, charges, penalties, damages, expenses and losses, which may be made or taken against, recovered from, or incurred by, the drainage authority by reason of—

- (a) any damage to any drainage work so as to impair its efficiency for the purposes of flood defence;
- (b) any damage to the fishery;
- (c) any raising or lowering of the water table in land adjoining the authorised development or any sewers, drains and watercourses;
- (d) any flooding or increased flooding of any such lands;
- (e) inadequate water quality in any watercourse or other surface waters or in any groundwater, or
- (f) any damage to aquatic wildlife;;

which is caused by the construction of any of the specified works and protective works or any act or omission of the Company, its contractors, agents or employees whilst engaged upon the work.

(2) The drainage authority must give to the Company reasonable notice of any such claim or demand and no settlement or compromise may be made without the agreement of the Company which agreement must not be unreasonably withheld or delayed.

27. The fact that any work or thing has been executed or done by the Company in accordance with plans approved by the drainage authority, or to the drainage authority's satisfaction, or in accordance with any directions or award of an arbitrator, does not relieve the Company from any liability under the provisions of this Part of this Schedule.

28. Any dispute arising between the Company and the drainage authority under this Part of this Schedule, if the parties agree, is to be determined by arbitration under article 42 (arbitration), but otherwise is to be determined by the Secretary of State for Environment, Food and Rural Affairs and the Secretary of State for Transport acting jointly on a reference to them by the Company or the drainage authority, after notice in writing by one to the other.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order authorises the Company to construct the new railway and maintain the new and existing railways in East Sussex from the point at which the existing Kent and East Sussex Railway terminates at Bodiam to a new terminus at Robertsbridge Junction station in Robertsbridge.

The Order authorises level crossings across Northbridge Street and the A21 at Robertsbridge, the B2244 at Udiam and across one footpath and one combined footpath and bridleway.

The Order also authorises the acquisition of land and rights in land, and the use of land, for this purpose.

Copies of the Order plans and sections and the book of reference referred to in the Order may be inspected at the offices of Rother Valley Railway Limited at Robertsbridge Junction Station, Robertsbridge, East Sussex, TN32 5DG

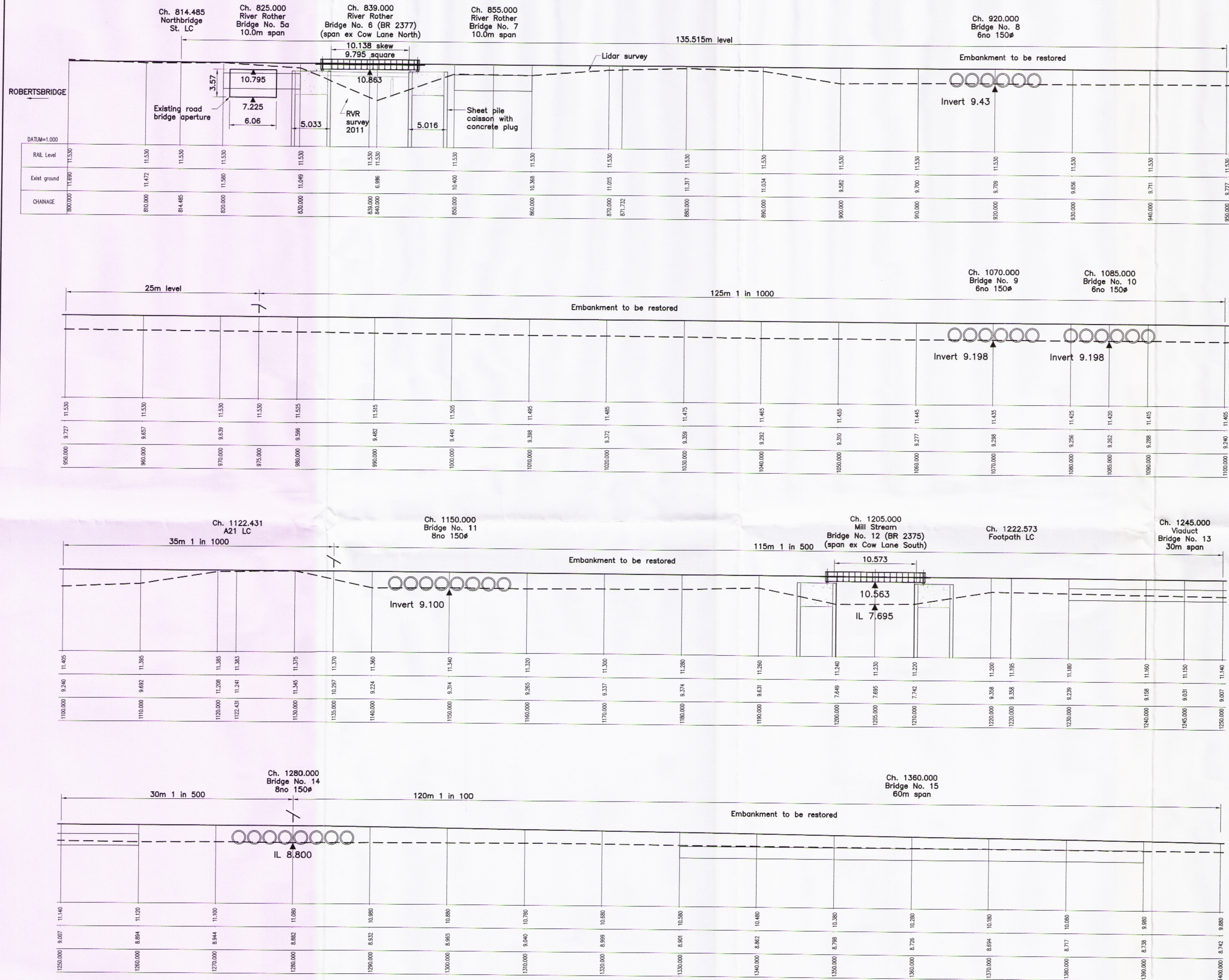


Appendix B: Plans



Appendix B1-1:

Halcrow drawing – Gradient Profile CH 800-1400, Ref. RVR-G-001 C, dated 13/06/16



- NOTES
- The existing ground level is derived by interpolation from a Lidar survey with spot heights at 2.0m intervals.
 - Ditch levels, where not identified by Lidar, are to be confirmed on site.
 - Pipe culverts are shown as a minimum 750mm internal diameter to enable personnel access for maintenance. Rail level is a minimum 1.0m above the crown of the pipe.
 - Embankment side slopes are shown as 1 in 3, commencing 7m below rail level.

C	JCS	-	-	13.06.16	Revised after flood modelling
B	JCS	-	-	10.03.14	Revised after flood risk assessment
A	JCS	-	-	03.06.13	Cow Lane Bridge elevation revised
Revision	By	Checked	Approved	Date	Description

Client
Rother Valley Railway Ltd
Rother Valley Railway Station, Robertsbridge, East Sussex, TN32 5UG
Tel: 01323 881833
www.rvr.org.uk

Halcrow Transportation Infrastructure
Bulding Park, Swindon, Wiltshire SN4 6DD
Tel: 01753 824749 Fax: 01753 820889
www.halcrow.com

Halcrow

Project
ROTHER VALLEY RAILWAY

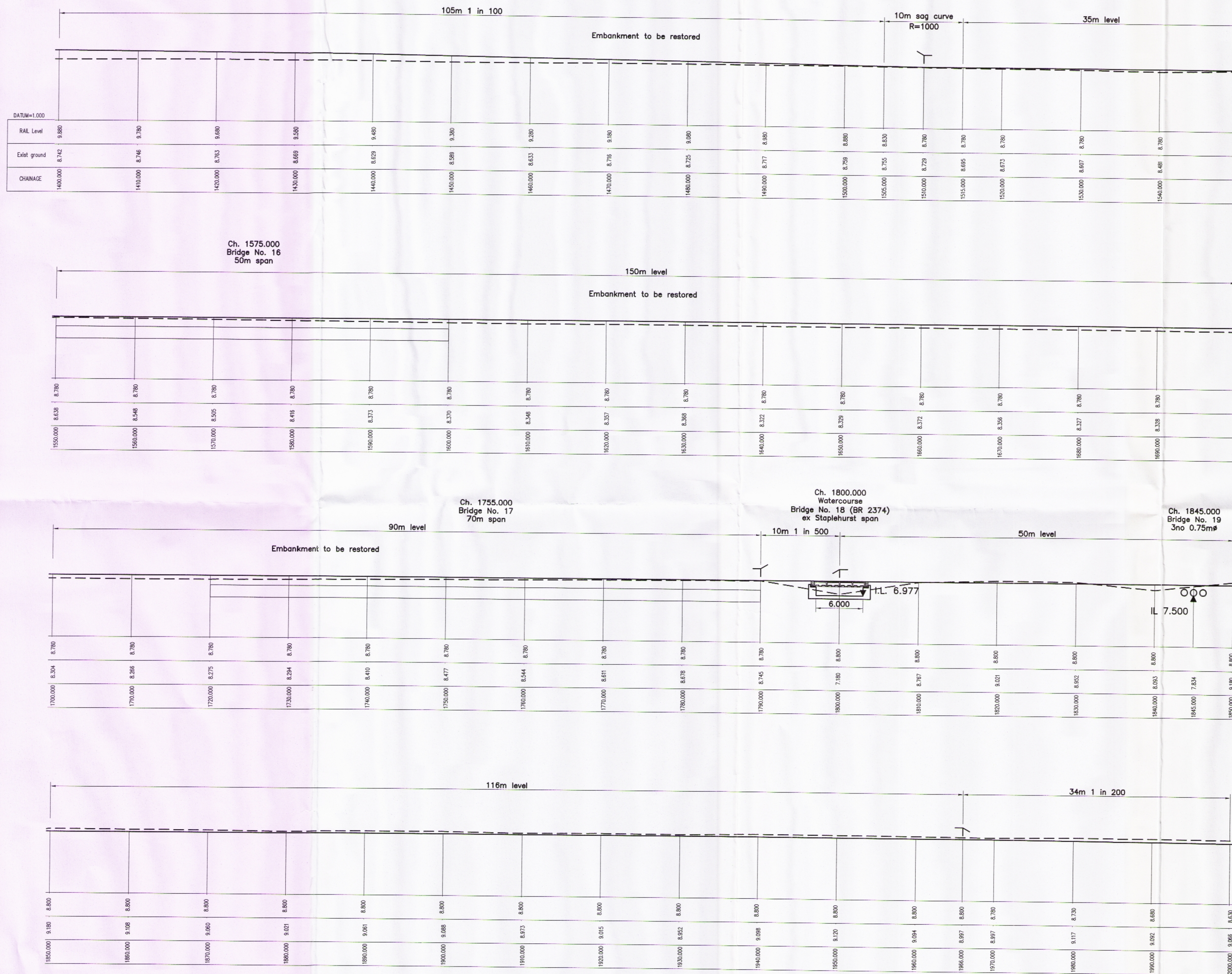
Drawing
**GRADIENT PROFILE
CH 800-1400**

Drawn by JCS Date: 13/06/16
Checked by - Date: -
Authorised by - Date: -
Drawing No. **RVR - G - 001** Revision **C**
Drawing Scale: 1:250 at A1
CAD Filename: - Plot Scale: 1:1



Appendix B1-2:

Halcrow drawing – Gradient Profile CH 1400-2000, Ref. RVR-G-002 B, dated 13/06/16



B	JCS	-	-	13.06.16	Revised after flood modelling
A	JCS	-	-	10.03.14	Revised after flood risk assessment
Revision	By	Checked	Approved	Date	Description

Client
Rother Valley Railway Ltd
Rother Valley Railway Station, Robertsbridge, East Sussex, TN22 5UG
Tel 01580 881833
www.rvr.org.uk

Rother Valley Railway

Halcrow Transportation Infrastructure
Burdens Park Seindon Wiltshire SN4 0DQ
Tel 01783 812479 Fax 01783 812089
www.halcrow.com

Halcrow

Project
ROTHER VALLEY RAILWAY

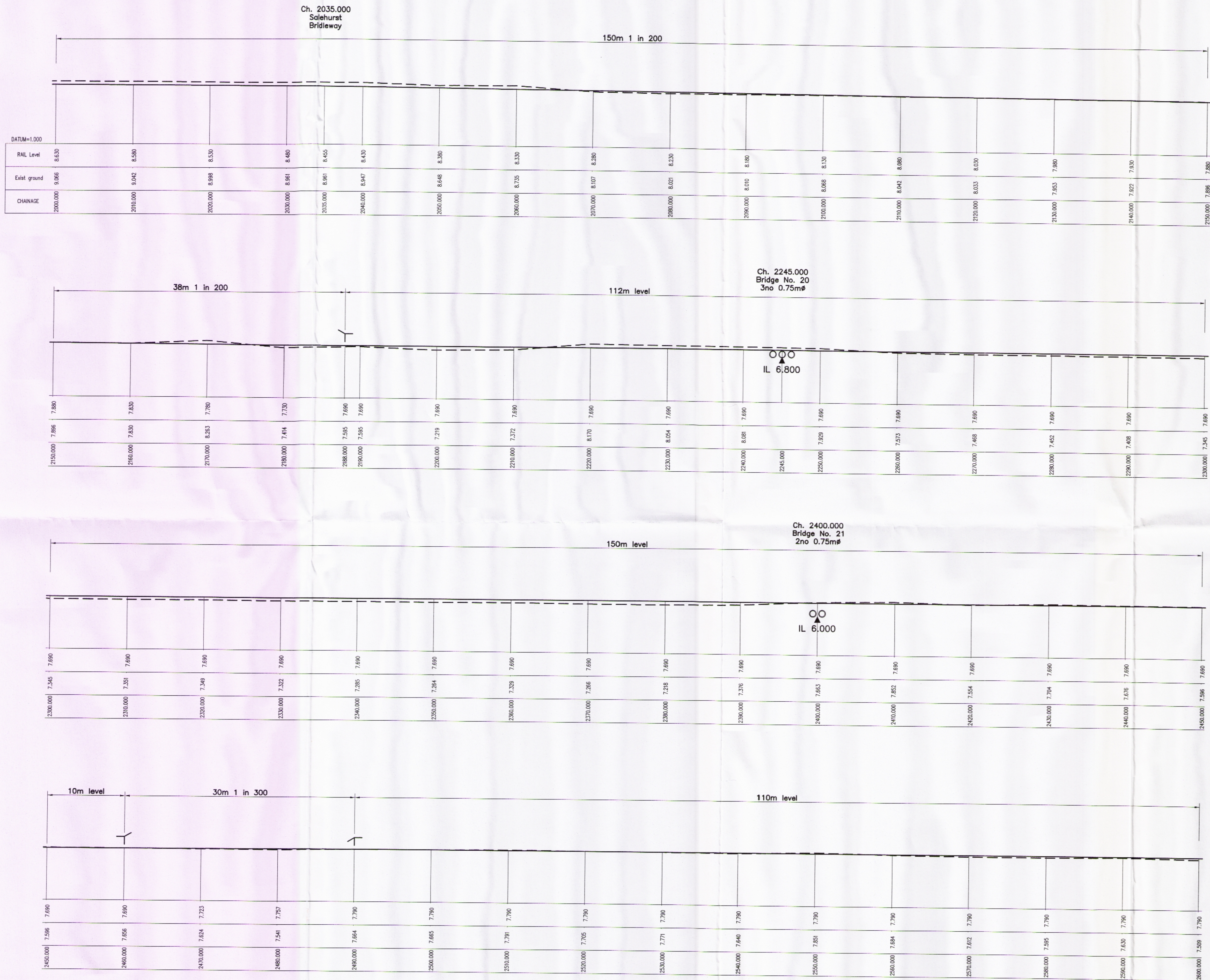
Drawing
**GRADIENT PROFILE
CH 1400-2000**

Drawn by JCS	Date: 13/06/16
Checked by -	Date: -
Authorised by -	Date: -
Drawing No. RVR - G - 002	Revision B
Drawing Scale: 1:250 at A1	
CAD Filename: -	Plot Scale: 1:1



Appendix B1-3:

Halcrow drawing – Gradient Profile CH 2000-2600, Ref. RVR-G-003 B, dated 13/06/16



Revision	By	Checked	Approved	Date	Description
B	JCS	-	-	13.06.16	Revised after flood modelling
A	JCS	-	-	10.03.14	Revised after flood risk assessment

Client
Rother Valley Railway Ltd
Rother Valley Railway Station, Rotherbridge, East Sussex, TN32 5DG
Tel 01580 881833
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Rother Valley Railway

Halcrow Transportation Infrastructure
Burdens Park Swindon Wiltshire SN4 0QD
Tel 01793 812479 Fax 01793 812089
www.halcrow.com

Halcrow

Project
ROTHER VALLEY RAILWAY

Drawing
**GRADIENT PROFILE
CH 2000-2600**

Drawn by JCS	Date: 13/06/16
Checked by -	Date: -
Authorised by -	Date: -
Drawing No RVR - G - 003	Revision B
Drawing Scale: 1:250 at A1	
CAD Filename: -	Plot Scale: 1:1



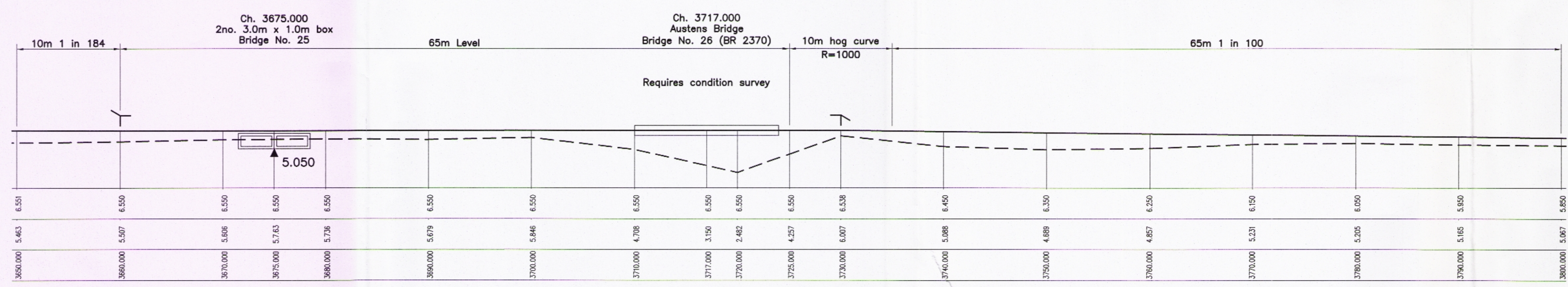
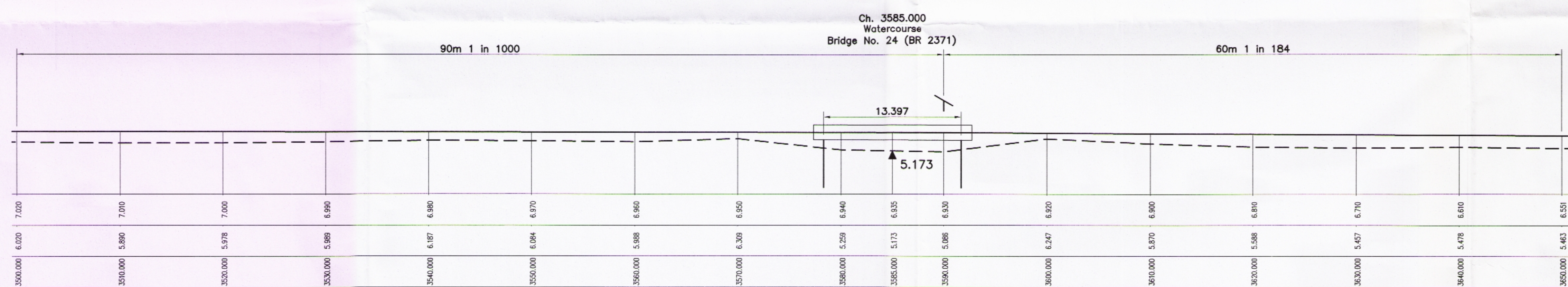
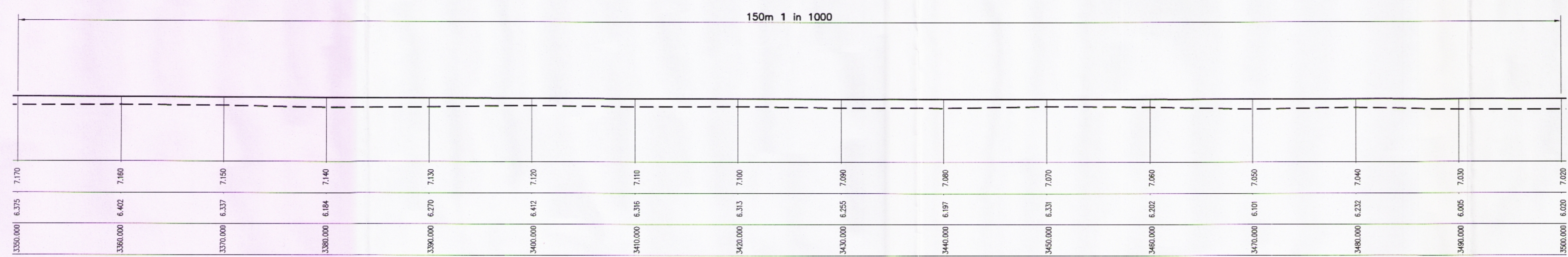
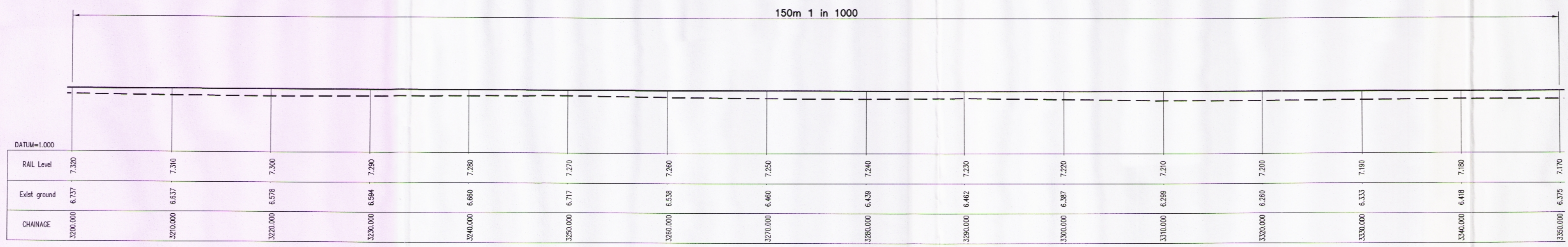
Appendix B1-4:

Halcrow drawing – Gradient Profile CH 2600-3200, Ref. RVR-G-004 B, dated 13/06/16



Appendix B1-5:

Halcrow drawing – Gradient Profile CH 3200-3800, Ref. RVR-G-005 B, dated 13/06/16



B	JCS	-	-	13.06.16	Revised after flood modelling
A	JCS	-	-	10.03.14	Revised after flood risk assessment
Revision	By	Checked	Approved	Date	Description

Client
Rother Valley Railway Ltd
Rother Valley Railway Station, Robertbridge, East Sussex, TN32 5DG
Tel 01550 881633
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Rother Valley Railway

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Burdens Park, Sandown, Wiltshire SN4 0DD
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Project
ROTHER VALLEY RAILWAY

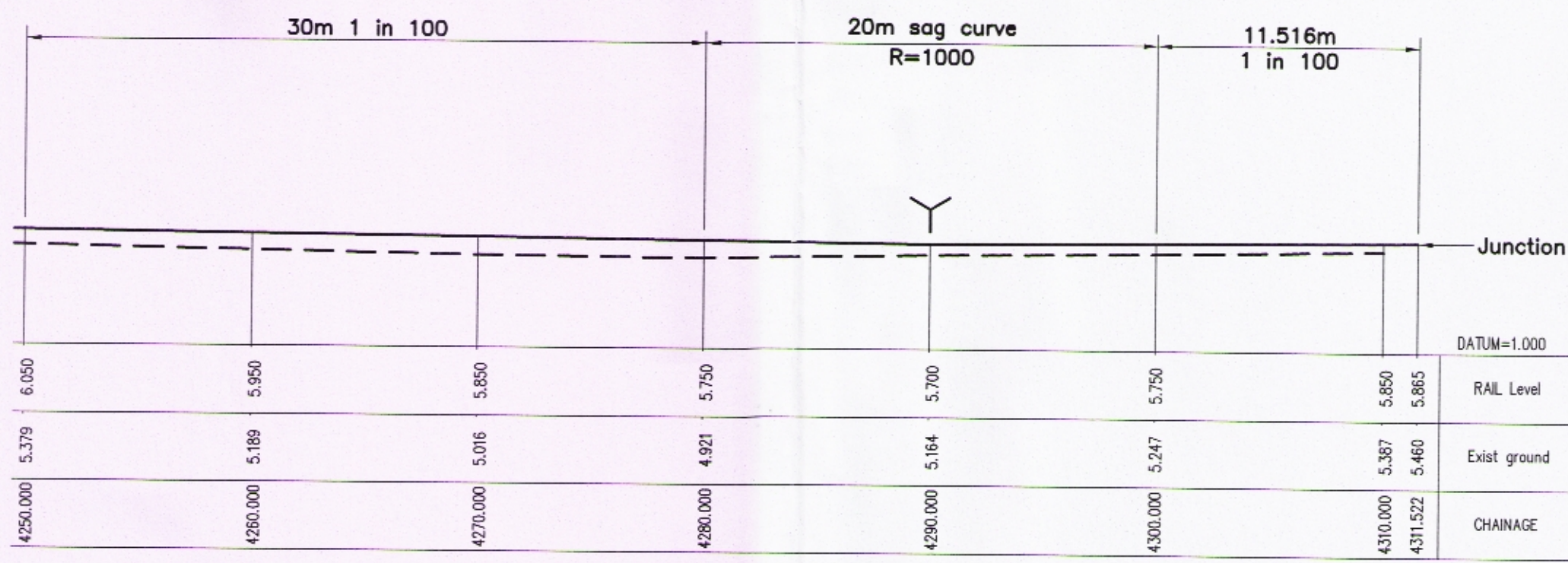
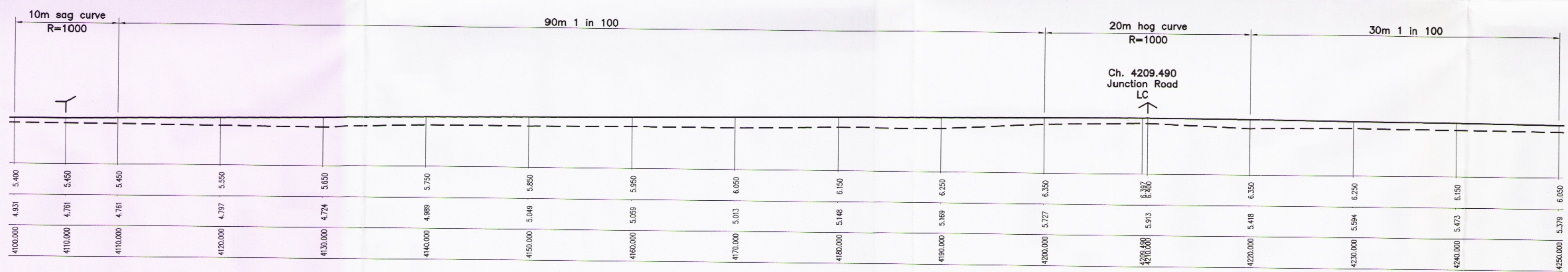
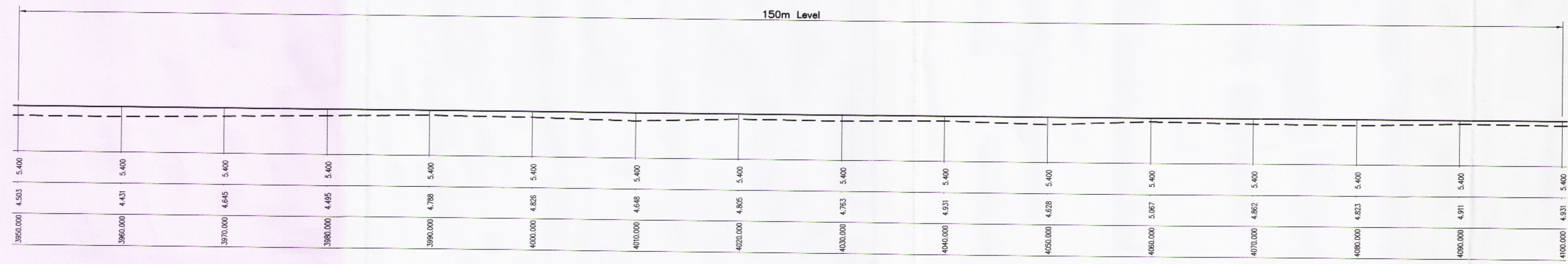
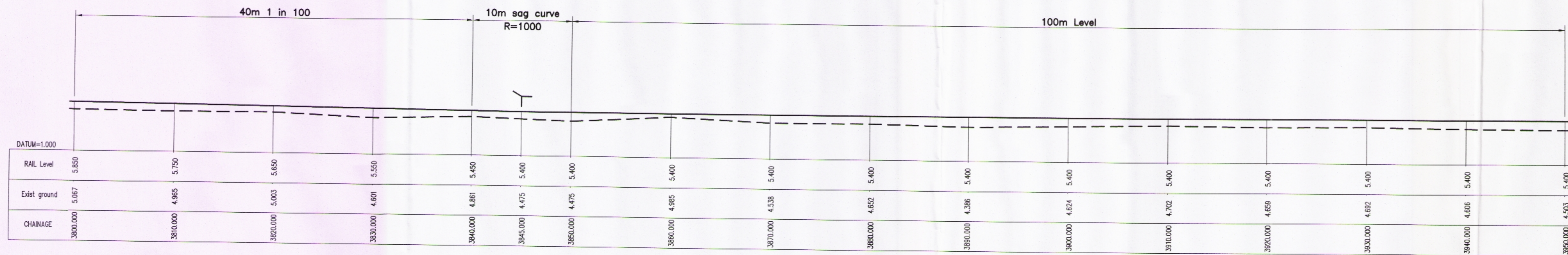
Drawing
**GRADIENT PROFILE
CH 3200-3800**

Drawn by JCS	Date: 13/06/16
Checked by -	Date: -
Authorised by -	Date: -
Drawing No.	Revision
RVR - G - 005	B
Drawn Scale: 1:250 at A1	
CAD Filename: -	Plot Scale: 1:1



Appendix B1-6:

Halcrow drawing – Gradient Profile CH 3800-4400, Ref. RVR-G-006 B, dated 13/06/16



BODIAM

Junction with existing KESR

B	JCS	-	-	13.06.16	Revised after flood modelling
A	JCS	-	-	10.03.14	Revised after flood risk assessment
Revision	By	Checked	Approved	Date	Description

Client:
Rother Valley Railway Ltd
Rother Valley Railway Station, Robertsbridge, East Sussex, TN32 5DG
Tel 01580 881833
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Rother Valley Railway

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Tel 01793 812479 Fax 01793 812089
www.halcrow.com



Project
ROTHER VALLEY RAILWAY

Drawing
**GRADIENT PROFILE
CH 3800-4400**

Drawn by JCS Date: 13/06/16
Checked by - Date: -
Authorised by - Date: -

Drawing No. **RVR - G - 006** Revision **B**

Drawing Scale: 1:250 at A1
CAD Filename: - Plot Scale: 1:1



**Appendix C: Environment Agency Product 4 (Detailed
Flood Risk) mapping, Ref. KSL 97668 AB,
dated: 06/07/18**

Product 4 (Detailed Flood Risk) for: Land between Robertsbridge and Salehurst, East Sussex, approximate post code TN32 5PH

Requested by: Simon King/WSP

Reference: KSL 87668 AB

Date: 6 July 2018

Contents

- Flood Map Confirmation
- Flood Map Extract
- Model Output Data
- Data Point Location Map
- Modelled Flood Outlines Map
- Defence Details
- Historic Flood Data
- Historic Flood Map
- Use of information for Flood Risk Assessment and Updated Climate Change Allowances (2016)

The information provided is based on the best data available as of the date of this letter.

You may feel it is appropriate to contact our office at regular intervals, to check whether any amendments/ improvements have been made to the data for this location. Should you contact us again, after a period of time, please quote the above reference in order to help us deal with your query.

Please refer to the [Open Government Licence](#) which explains the permitted use of this information.

Flood Map Confirmation

The Flood Map:

Our Flood Map shows the natural floodplain for areas at risk from fluvial and tidal flooding. The floodplain is specifically mapped ignoring the presence and effects of flood defences. Although flood defences reduce the risk of flooding they cannot completely remove that risk as they may be overtopped or breached during a flood event.

The Flood Map shows the probability of a flood of a particular magnitude, or greater, occurring in any given year. This is known as the Annual Exceedance Probability (AEP). Flood Zone 3 indicates areas of land having a 1 in 100 or greater annual probability (1% AEP) of flooding from rivers, or a 1 in 200 or greater annual probability (0.5% AEP) of flooding from the sea. Flood Zone 2 indicates areas of land having up to a 1 in 1000 annual probability (0.1% AEP) of flooding from rivers or the sea. The Flood Map also shows the location of some flood defences and the areas that benefit from them.

The Flood Map is intended to act as a guide to indicate the potential risk of flooding. When producing it we use the best data available to us at the time of completion, taking into account historic flooding and local knowledge. The Flood Map is updated on a quarterly basis to account for any amendments required. These amendments are then displayed on the internet at <https://flood-map-for-planning.service.gov.uk/>.

At this Site:

The Flood Map shows that this site lies within the outline of the 1% (Flood Zone 3) chance of flooding from rivers in any given year.

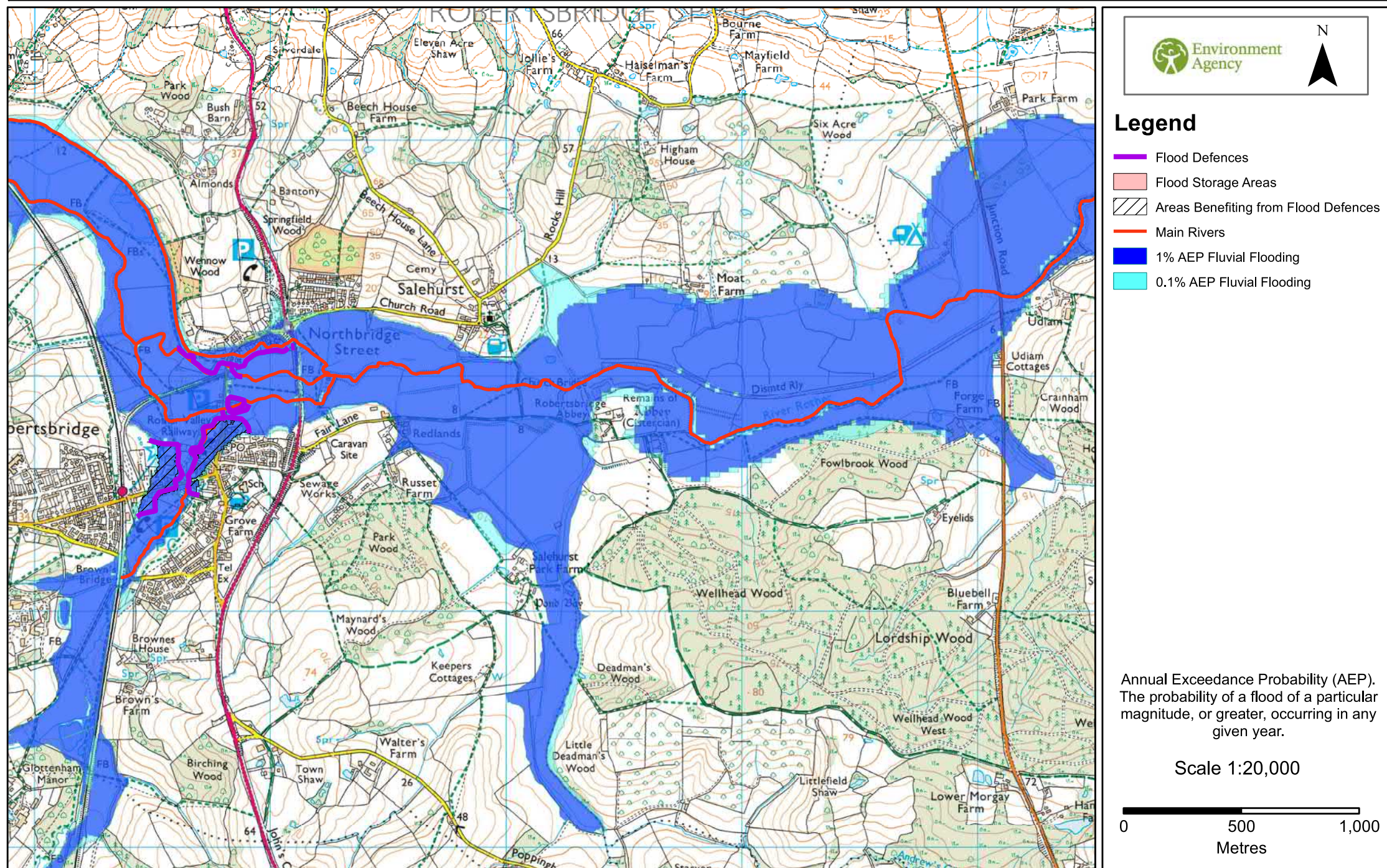
Enclosed is an extract of our Flood Map which shows this information for your area.

Method of production

The Flood Map at this location has been derived using detailed fluvial modelling of the River Rother, completed by Hyder in 2011.

Flood map centred on land east of Robertsbridge, East Sussex, at grid reference 575435, 124075.

Created 05/07/2018 [Ref: KSL 87668 AB]



Model Output Data

You have requested flood levels and/or depths for various return periods at this location.

A 2D TuFLOW model has been used to represent the floodplain as a grid. The flood water levels and/or depths have been calculated for each grid cell. The modelled flood levels / depths presented here are for the closest most appropriate model grid cells. Any additional information you may need to know about the modelling from which they are derived and/or any specific use or health warnings for their use are set out below.

A map showing the location of the points from which the data is taken is enclosed. Please refer to the [Open Government Licence](#) which explains the permitted use of this information.

Data points map centred on land east of Robertsbridge, East Sussex, at grid reference 575435, 124075.
Created 05/07/2018 [Ref: KSL 87668 AB].

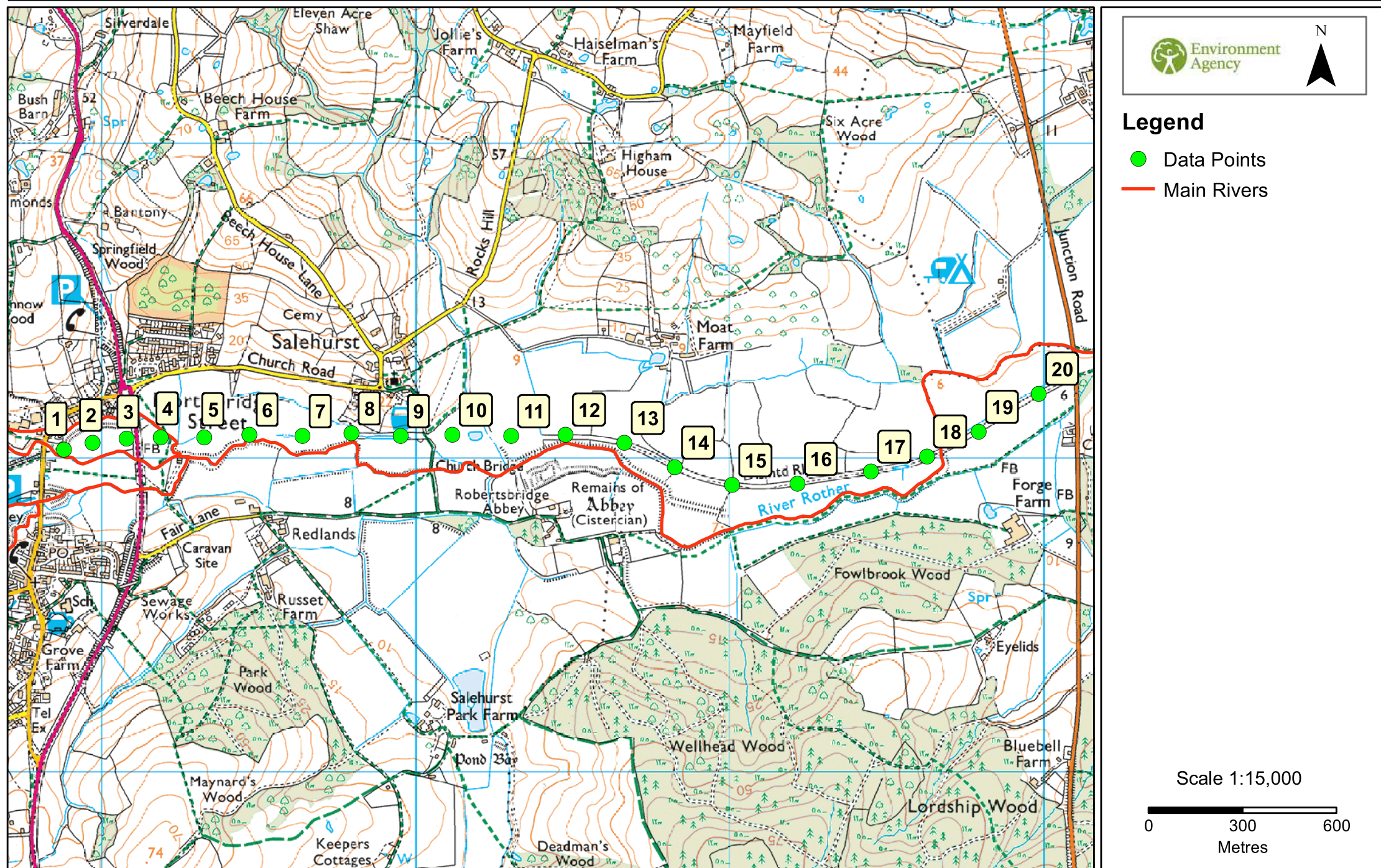


Table 1: Modelled fluvial flood levels for Annual Exceedance Probability (AEP) events shown (mAOD)

Point ID	National Grid Reference		Modelled Fluvial Flood Levels for Annual Exceedance Probability (AEP) events shown (metres AOD)											
			Undefended				Defended							
	Easting	Northing	5% AEP	1% AEP	1% AEP + CC (20%)	0.1% AEP	20% AEP	5% AEP	2% AEP	1.33% AEP	1% AEP	1% AEP + CC (20%)	0.4% AEP	0.1% AEP
1	573878	124026	10.51	11.35	11.62	11.98	10.10	10.51	10.88	11.11	11.26	11.57	11.74	11.98
2	573969	124048	10.49	11.33	11.61	11.98	10.06	10.48	10.86	11.08	11.24	11.55	11.72	11.96
3	574078	124061	10.47	11.32	11.60	11.96	10.03	10.46	10.84	11.07	11.23	11.54	11.71	11.94
4	574186	124066	10.13	10.66	10.86	11.21	9.76	10.12	10.39	10.55	10.62	10.81	10.96	11.20
5	574326	124066	9.32	9.62	9.77	10.05	9.12	9.32	9.46	9.53	9.59	9.74	9.85	10.04
6	574469	124074	9.22	9.50	9.64	9.90	9.02	9.22	9.34	9.41	9.47	9.61	9.72	9.89
7	574638	124070	9.13	9.36	9.49	9.74	8.97	9.13	9.22	9.28	9.33	9.46	9.56	9.73
8	574795	124079	8.95	9.20	9.33	9.56	8.82	8.95	9.06	9.13	9.18	9.30	9.39	9.56
9	574951	124070	0.00	9.03	9.17	9.42	0.00	0.00	0.00	8.94	9.00	9.14	9.25	9.41
10	575117	124074	8.55	8.91	9.04	9.28	8.28	8.54	8.71	8.81	8.87	9.01	9.12	9.27
11	575304	124070	7.95	8.25	8.38	8.62	7.73	7.95	8.09	8.17	8.22	8.35	8.45	8.61
12	575477	124074	7.72	7.96	8.07	8.26	7.56	7.72	7.82	7.89	7.94	8.04	8.12	8.25
13	575664	124048	7.33	7.67	7.76	7.94	0.00	7.33	7.47	7.57	7.65	7.74	7.81	7.93
14	575825	123970	7.05	7.30	7.41	7.62	0.00	7.04	7.16	7.23	7.28	7.38	7.46	7.61
15	576008	123913	6.81	7.09	7.22	7.46	0.00	6.81	6.93	7.00	7.06	7.19	7.28	7.45
16	576216	123918	0.00	6.89	7.02	7.29	0.00	0.00	0.00	6.80	6.86	6.99	7.10	7.28
17	576451	123957	6.40	6.71	6.83	7.05	6.20	6.40	6.55	6.63	6.68	6.80	6.89	7.04
18	576629	124005	6.37	6.63	6.75	6.96	6.20	6.36	6.48	6.55	6.60	6.72	6.80	6.95
19	576794	124083	6.08	6.47	6.61	6.84	5.74	6.07	6.27	6.37	6.44	6.58	6.67	6.83
20	576986	124205	6.05	6.42	6.55	6.78	5.74	6.04	6.23	6.32	6.39	6.52	6.62	6.78

Data taken from the River Rother Mapping Study, completed by Hyder in 2011.

Climate change (CC) data represents modelled levels and depths with the percentage increase in river flows specified.

Values of 0.00 indicate locations at which the selected points lie outside of a particular modelled flood extent.

There are no health warnings or additional information for these levels, or the model from which they were produced.

Table 2: Modelled fluvial flood depths for Annual Exceedance Probability (AEP) events shown (m)

Point ID	National Grid Reference		Modelled Fluvial Flood Depths for Annual Exceedance Probability (AEP) events shown (metres)											
			Undefended				Defended							
	Easting	Northing	5% AEP	1% AEP	1% AEP + CC (20%)	0.1% AEP	20% AEP	5% AEP	2% AEP	1.33% AEP	1% AEP	1% AEP + CC (20%)	0.4% AEP	0.1% AEP
1	573878	124026	0.71	1.54	1.82	2.18	0.30	0.71	1.08	1.31	1.46	1.76	1.94	2.18
2	573969	124048	0.98	1.83	2.11	2.47	0.55	0.97	1.35	1.58	1.74	2.04	2.22	2.46
3	574078	124061	1.43	2.28	2.56	2.91	0.98	1.41	1.80	2.03	2.19	2.49	2.66	2.90
4	574186	124066	1.10	1.63	1.83	2.18	0.73	1.09	1.36	1.52	1.59	1.79	1.93	2.17
5	574326	124066	0.41	0.71	0.86	1.14	0.21	0.41	0.55	0.62	0.68	0.83	0.94	1.13
6	574469	124074	0.33	0.61	0.75	1.01	0.13	0.32	0.45	0.52	0.58	0.72	0.82	1.00
7	574638	124070	0.87	1.09	1.23	1.47	0.70	0.86	0.95	1.01	1.07	1.20	1.30	1.46
8	574795	124079	0.92	1.17	1.30	1.53	0.79	0.92	1.03	1.10	1.14	1.27	1.36	1.53
9	574951	124070	0.00	0.52	0.64	0.89	0.00	0.00	0.00	0.45	0.50	0.61	0.71	0.88
10	575117	124074	0.50	0.86	1.00	1.24	0.23	0.50	0.67	0.77	0.83	0.97	1.07	1.23
11	575304	124070	0.53	0.83	0.96	1.20	0.31	0.52	0.66	0.75	0.80	0.93	1.03	1.19
12	575477	124074	0.03	0.20	0.31	0.50	0.02	0.03	0.08	0.13	0.18	0.28	0.36	0.49
13	575664	124048	0.21	0.53	0.62	0.79	0.00	0.21	0.34	0.43	0.51	0.60	0.66	0.79
14	575825	123970	0.04	0.12	0.24	0.44	0.00	0.04	0.06	0.07	0.10	0.21	0.29	0.44
15	576008	123913	0.29	0.56	0.68	0.93	0.00	0.29	0.40	0.47	0.53	0.65	0.75	0.92
16	576216	123918	0.00	0.78	0.91	1.17	0.00	0.00	0.00	0.69	0.74	0.88	0.98	1.16
17	576451	123957	0.97	1.28	1.39	1.62	0.77	0.97	1.11	1.19	1.25	1.37	1.45	1.61
18	576629	124005	1.27	1.53	1.65	1.86	1.11	1.27	1.39	1.46	1.51	1.63	1.71	1.86
19	576794	124083	1.20	1.60	1.73	1.96	0.87	1.20	1.40	1.49	1.56	1.70	1.80	1.96
20	576986	124205	1.82	2.19	2.32	2.55	1.51	1.81	2.00	2.09	2.16	2.29	2.39	2.55

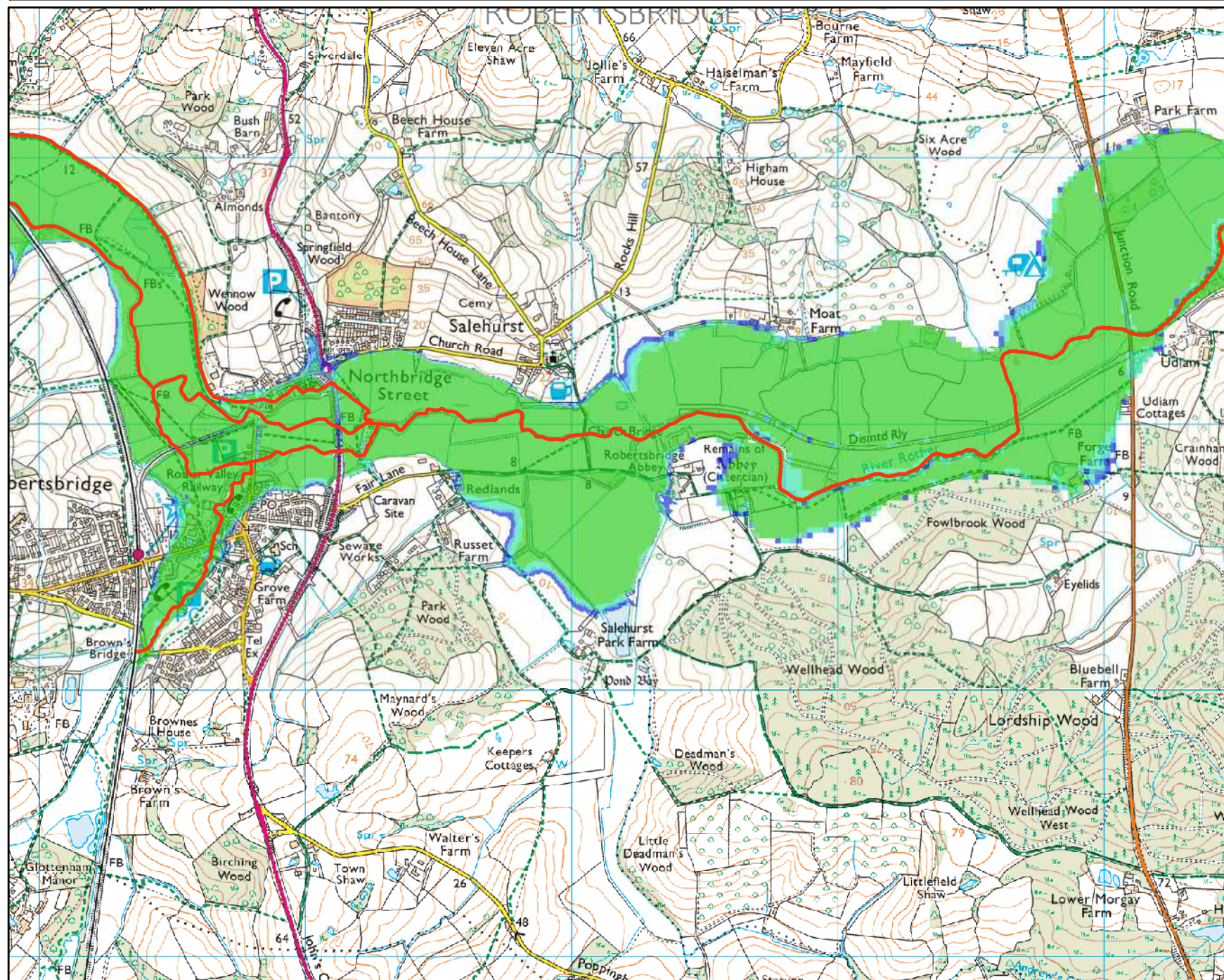
Data taken from the River Rother Mapping Study, completed by Hyder in 2011.

Climate change (CC) data represents modelled levels and depths with the percentage increase in river flows specified.

Values of 0.00 indicate locations at which the selected points lie outside of a particular modelled flood extent.

There are no health warnings or additional information for these depths, or the model from which they were produced.

Undefended fluvial flood extents map centred on land east of Robertsbridge, East Sussex, at grid reference 575435, 124075. Created 05/07/2018 [Ref: KSL 87668 AB].



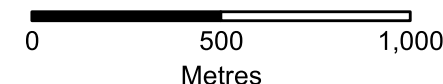
Legend

- Main Rivers
- 5% AEP
- 1% AEP
- 1% AEP + CC (20%)
- 0.1% AEP

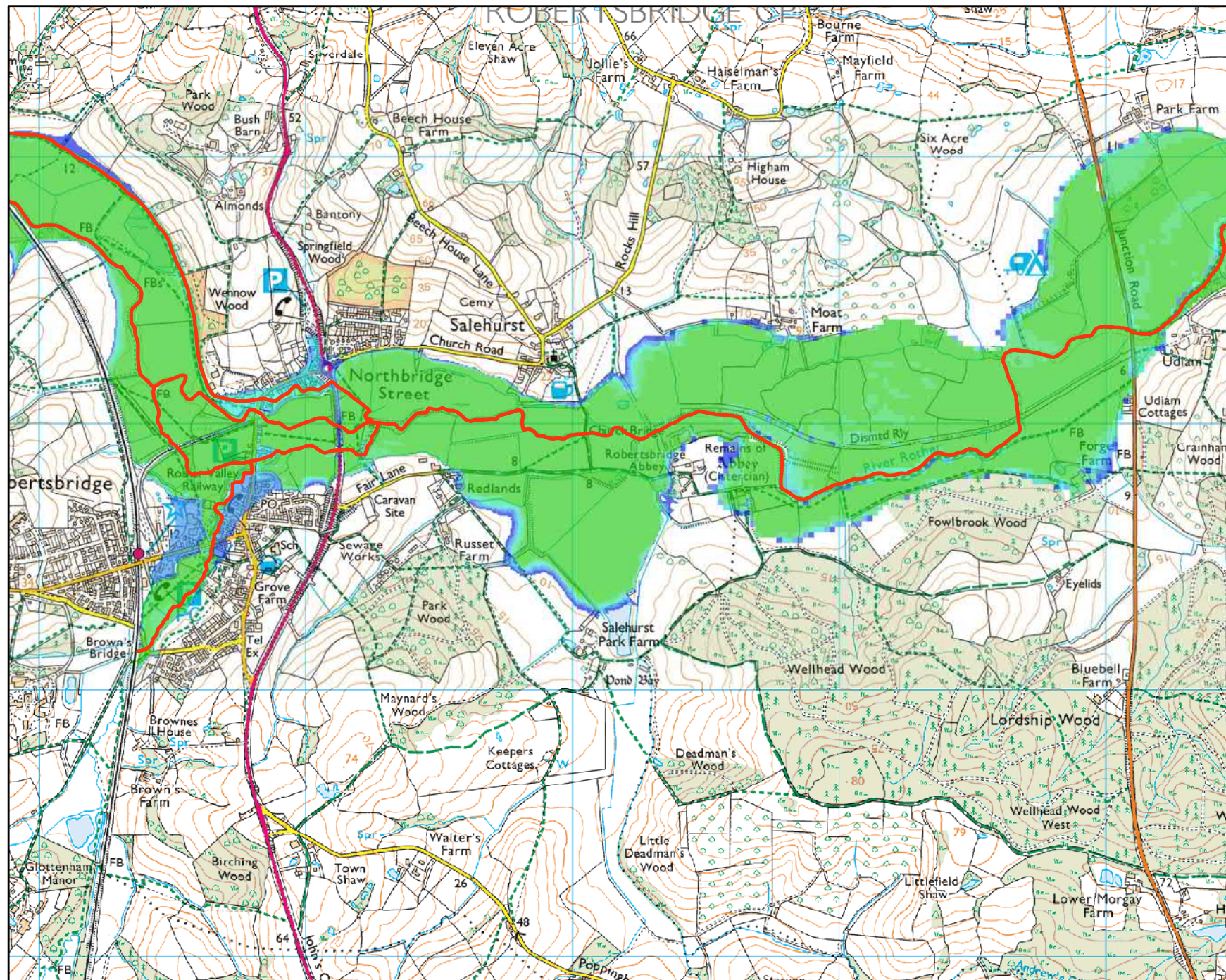
Climate Change (CC) extents based on the percentage increase in river flows specified.

Annual Exceedance Probability (AEP). The probability of a flood of a particular magnitude, or greater, occurring in any given year.

Scale 1:20,000



Defended fluvial flood extents map centred on land east of Robertsbridge, East Sussex, at grid reference 575435, 124075. Created 05/07/2018 [Ref: KSL 87668 AB].



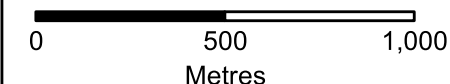
Legend

- Main Rivers
- 20% AEP
- 5% AEP
- 2% AEP
- 1.33% AEP
- 1% AEP
- 1% AEP + CC (20%)
- 0.4% AEP
- 0.1% AEP

Climate Change (CC) extents based on the percentage increase in river flows specified.

Annual Exceedance Probability (AEP). The probability of a flood of a particular magnitude, or greater, occurring in any given year.

Scale 1:20,000



Defence Details

There are a number of Environment Agency owned and operated flood walls and embankments within this area. These defences provide approximately a 1 in 100 year standard of protection against flooding.

Historic Flood Data

We hold records of historic flood events from rivers and the sea. Information on the floods that may have affected the area local to your site are provided below and in the enclosed map.

Flood Event Data

Dates of historic flood events in this area – December 1982, December 1985, January 1986, October 2000, December 2009.

Please note that our records are not comprehensive. We would therefore advise that you make further enquiries locally with specific reference to flooding at this location. You should consider contacting the relevant Local Planning Authority and/or water/sewerage undertaker for the area.

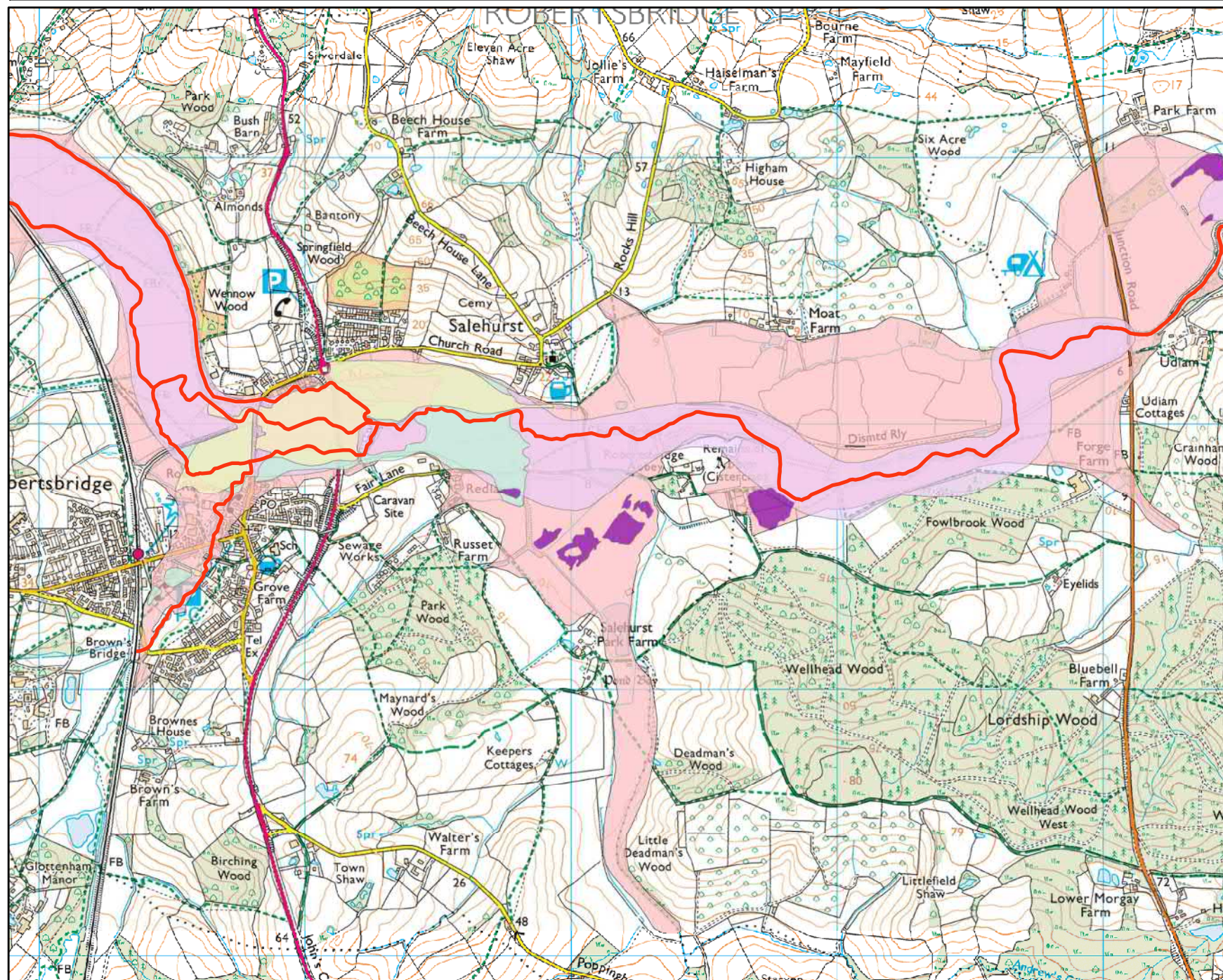
We map flooding to land, not individual properties. Our historic flood event record outlines are an indication of the geographical extent of an observed flood event. Our historic flood event outlines do not give any indication of flood levels for individual properties. They also do not imply that any property within the outline has flooded internally.

Please be aware that flooding can come from different sources. Examples of these are:

- from rivers or the sea
- surface water (i.e. rainwater flowing over or accumulating on the ground before it is able to enter rivers or the drainage system)
- overflowing or backing up of sewer or drainage systems which have been overwhelmed
- groundwater rising up from underground aquifers

Currently the Environment Agency can only supply flood risk data relating to the chance of flooding from rivers or the sea. However you should be aware that in recent years, there has been an increase in flood damage caused by surface water flooding or drainage systems that have been overwhelmed.

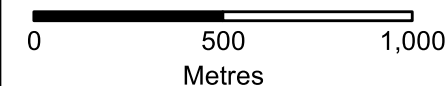
Historic flood extents map centred on land east of Robertsbridge, East Sussex, at grid reference 575435, 124075. Created 05/07/2018 [Ref: KSL 87668 AB].



Legend

- Main Rivers
- Dec 2009
- Dec 1982
- Jan 1986
- Dec 1985
- Oct 2000

Scale 1:20,000



Additional Information

Information Warning - OS background mapping

The mapping of features provided as a background in this product is © Ordnance Survey. It is provided to give context to this product. The Open Government Licence does not apply to this background mapping. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which the Environment Agency makes it available. You are not permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

Planning advice and guidance

The Environment Agency are keen to work with partners to enable development which is resilient to flooding for its lifetime and provides wider benefits to communities. If you have requested this information to help inform a development proposal, then we recommend engaging with us as early as possible by using the pre-application form available from our website:

<https://www.gov.uk/government/publications/pre-planning-application-enquiry-form-preliminary-opinion>

Complete the form in the link and email back to kslplanning@environment-agency.gov.uk.

We recognise the value of early engagement in development planning decisions. This allows complex issues to be discussed, innovative solutions to be developed that both enables new development and protects existing communities. Such engagement can often avoid delays in the planning process following planning application submission, by reaching agreements up-front. We offer a charged pre-application advice service for applicants who wish to discuss a development proposal.

We can also provide a preliminary opinion for free which will identify environmental constraints related to our responsibilities including flooding, waste, land contamination, water quality, biodiversity, navigation, pollution, water resources, foul drainage or Environmental Impact Assessment.

Flood Risk Assessments Guidance

Flood risk standing advice for applicants

In preparing your planning application submission, you should refer to the Environment Agency's Flood Risk Standing Advice and the Planning Practice Guidance for information about what flood risk assessment is needed for new development in the different Flood Zones. This information can be accessed via:

<https://www.gov.uk/flood-risk-assessment-standing-advice>

<http://planningguidance.planningportal.gov.uk/>

<https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications>

<https://www.gov.uk/guidance/flood-risk-and-coastal-change>

You should also consult the Strategic Flood Risk Assessment and flood risk local plan policies produced by your local planning authority.

You should note that:

1. Information supplied by the Environment Agency may be used to assist in producing a Flood Risk Assessment where one is required, but does not constitute such an assessment on its own.
2. This information covers flood risk from main rivers and the sea, and you will need to consider other potential sources of flooding, such as groundwater or overland runoff. You should discuss surface water management with your Lead Local Flood Authority.
3. Where a planning application requires a FRA and this is not submitted or deficient, the Environment Agency may well raise an objection due to insufficient information

Updated climate change requirements for flood risk assessments

On 19/02/2016 the 'Flood risk assessments: climate change allowances' were published on gov.uk. You can view the new allowances at '[Flood risk assessments: climate change allowances](#)'. This replaces the previous guidance [Climate Change Allowances for Planners](#).

The data provided in this product does not include the new allowances. You will need to consider this data and factor in the new allowances to demonstrate the development will be safe from flooding. The fluvial climate change factors are now more complex reflecting the fact that the latest information shows that a single uplift percentage across England cannot be justified.

The Environment Agency will incorporate the new allowances into future modelling studies.

It remains the applicant's responsibility to demonstrate through their proposals and flood risk assessments that new development will be safe in flood risk terms for its lifetime.

Surface Water

We have provided two national Surface Water maps, under our Strategic Overview for flooding, to your Lead Local Flood Authority who are responsible for local flood risk (i.e. surface runoff, ground water and ordinary watercourse), which alongside their existing local information will help them in determining what best represents surface water flood risk in your area.

Your Lead Local Flood Authority have reviewed these and determined what it believes best represents surface water flood risk. You should therefore contact this authority so they can provide you with the most up to date information about surface water flood risk in your area.

You may also wish to consider contacting the appropriate relevant Local Planning Authority and/or water/sewerage undertaker for the area. They may be able to provide some knowledge on the risk of flooding from other sources. We are working with these organisations to improve knowledge and understanding of surface water flooding.



Appendix D: WSP Correspondence - Environment
Agency e-mail to WSP, dated: 23/04/2021

Patmore, Chris

From: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>
Sent: 23 April 2021 14:43
To: Patmore, Chris
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction) Transport and Works Act Order Application - Robertsbridge

Dear Chris

Apologies for the delay in responding to you. We have discussed the flood modelling and Flood Risk Assessment with the applicant.

We have reviewed the methodology for the updated flood model and provided comments back to Rother Valley Railway.

Kind regards

Sophie

Sophie Page
Planning Specialist, Sustainable Places, Kent, South London and East Sussex
Environment Agency | Orchard House, Endeavour Park, London, Addington, West Malling, Kent, ME19 5SH

sophie.page@environment-agency.gov.uk

External: 020 8474 8030

Team: kslplanning@environment-agency.gov.uk

Please note my working days are Monday-Wednesday 9.30 – 14.30 and all day Thursday.



From: Patmore, Chris [mailto:Chris.Patmore@wsp.com]
Sent: 26 March 2021 10:35
To: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>
Cc: King, Simon <Simon.King@wsp.com>
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction) Transport and Works Act Order Application - Robertsbridge

Sophie,

We trust that you are well.

It has been a long time but new information has now been released in connection to the inquiry for the Rother Valley Scheme in response to the Inspectors requests.

We have been asked to look through the new information and this includes an extensive update to the Capita flood model for the scheme. ([Rother Valley Railway - Gateley \(gateleyhamer-pi.com\)](http://Rother Valley Railway - Gateley (gateleyhamer-pi.com)))

Are you able to confirm if any discussions and a review of the model has been carried out by the EA?

Regards

Chris Patmore CEnv, BEng, DIP EIA, MIEEnvSci, MCIHT, MCIWEM, MICRS
Technical Director – SuDS
Water Risk Management and Engineering, WEI



M+ 44 (0) 7795 236966

WSP UK Ltd, Basing View, Basingstoke, RG21 4HJ

wsp.com

From: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>

Sent: 24 June 2020 15:13

To: Patmore, Chris <Chris.Patmore@wsp.com>

Cc: King, Simon <Simon.King@wsp.com>

Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Dear Chris,

Apologies for the delay on this. We have looked again at the planning decision and have the following comments – please see blue text under your initial questions.

We have been advised that RVR will be updating their Environmental Statement and we expect to be consulted on matters relating to flood risk, water quality, contamination and biodiversity. We await their timeline for submission of these documents.

Kind regards

Sophie Page

Planning Specialist, Sustainable Places Kent, South London and East Sussex
Environment Agency

From: Patmore, Chris

Sent: 06 March 2020 11:11

To: 'sophie.page@environment-agency.gov.uk' <sophie.page@environment-agency.gov.uk>
Cc: Metcalfe, Charlotte (Charlotte.Metcalfe@wsp.com) <Charlotte.Metcalfe@wsp.com>; Smith, Alex <Alex.Smith@wsp.com>; Hutchings, Richard <richard.hutchings@wsp.com>; Clark, Philip <Philip.Clark@wsp.com>; 'David Warman' <David@RichardMax.co.uk>; King, Simon <Simon.King@wsp.com>; 'richard.penn@environment-agency.gov.uk' <richard.penn@environment-agency.gov.uk>
Subject: FW: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction) Transport and Works Act Order Application - Robertsbridge

Dear Sophie

I write following the pre-inquiry meeting on 24 February 2019 and recent correspondence including your letter to the Secretary of State dated 26 March 2019 withdrawing your objection to the TWAO application.

We understand that the Environment Agency will be legally represented at the public inquiry as we understand that there is one residual issue regarding deemed refusal/grant of the Protective Provisions in Part 3 of Schedule 8 of the Draft Order which you wish to raise with the Inspector.

We are in the process of preparing our clients' evidence for the public inquiry and as part of this we have reviewed the Environment Agency's history of involvement and representations on the project. We would like to ensure we fully understand the Environment Agency's position and the extent to which its previous substantive concerns regarding the project have been addressed by the applicant.

We note that in the past you have raised a number of substantive concerns regarding the project which I would summarise as follows:

- December 2016 (representations on the Planning Application) – *"In accordance with the 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 to the baseline scenario. We recommend that conditions are put in place to manage this risk"*
- March 2017 – Planning Permission was issued with a number of pre-commencement conditions attached, including Condition 4 (Buffer Zone), Condition 9 (Flood Risk Scheme of Mitigation), Condition 10 (Flood risk defence integrity method statement), and Condition 11 (Flood Plain compensation). We note that Condition 11 provided that the applicant would need to demonstrate that there will be no loss of floodplain storage post development with any loss of floodplain storage to be compensated for on a volume by volume, level by level basis and in a suitable location.
- June 2017 (representations to DfT at the TWAO Scoping stage) – you noted that there were two key considerations that required further evidence. First, *"Demonstration that flood risk is not increased in agricultural land"* and secondly *"Demonstration that riverine ecology will not be adversely impacted"*. Your letter noted that you could not discount the possibility that ecological mitigation may be required outside the red line boundary. The letter advised that *"The ES does not allay all environmental and flood risk issues and further work is still required"*.
- May 2018 (objection to TWAO application) – you advised that RVR had not satisfied your concerns regarding flood risk to agricultural land nor that riverine ecology would not be adversely impacted. The letter stated that *"The current Flood Risk Assessment identifies increases in flood depths and it is therefore essential that further work is undertaken in the form of an appropriate flood storage compensation scheme to ensure that in the post-development scenario, there is, as a minimum, no adverse impact on flood risk compared to the baseline scenario"*.
- September 2018 (Statement of Case to TWAO inquiry) – your letter noted that at the time the draft TWAO application was made, the as built designs, surveys, final assessments and revised modelling had not been submitted in order to discharge the pre-commencement conditions attached to the planning permission.
- October 2018 (meeting between EA and WSP) – the EA confirmed that the areas of floodplain compensation have not yet been determined and that Condition 9 (attached to the planning permission) would not be able to be discharged should a deliverable solution not be identified within the control of the applicant.
- March 2019 – EA withdraws its objection on the basis that (subject to the deemed approval/refusal issue) it had reached agreement with the applicant on an amended set of Protective Provisions.

We understand that you have been involved in negotiations with the applicant regarding the Protective Provisions which has enabled you to withdraw your objection. However, we understand that those discussions will have focused

on the legal mechanics of replacing the statutory FRAPS process with the Protective Provisions in the TWA Order. Following our meeting, we had understood that you would not be in a position to provide the FRAPS/Protective Provisions approval until such time as the Pre-Commencement Conditions attached to the 2017 Planning Permission had been discharged.

To ensure our clients are able to properly prepare their case for the inquiry, we would like to understand whether there have been any discussions to address the substantive concerns set out above or whether the Environment Agency's position remains that these issues will still have to be addressed either through discharge of the Pre-Commencement Conditions and/or through the Protective Provisions process?

Against this background we would be very grateful if you would kindly clarify the following points:

- i. Is it still the case that you would not be in a position to provide the requisite approval under the amended Protective Provisions within Part 3 of Schedule 8 until such time as the Pre-Commencement Conditions attached to the Planning Permission have been discharged?
 - o Yes this is correct – the pre-commencement conditions must be discharged before any development takes place.
- ii. In addition to the discussions regarding the Protective Provisions, has any detailed design work, modelling or any other information (not forming part of the application material or otherwise in the public domain) been provided by the applicant with a view to addressing the substantive concerns you have previously raised? In particular has the applicant provided you with any additional material to demonstrate that flood risk will not be increased or any additional material to demonstrate that riverine ecology will not be adversely impacted?
 - o No - detailed surveys and modelling are required by the pre-commencement planning conditions.
- iii. In respect of Condition 11 (Flood Plain Compensation), have you had any further discussions with the applicant regarding the location of the floodplain storage compensation land? You will recall that we discussed at our meeting that we have not seen any technical information to demonstrate that the required compensation can be provided either within land currently owned by the applicant or within the boundaries of the land proposed to be compulsorily acquired under the TWA application? Until such land has been identified we understand you would not be able to support the discharge of Condition 9 and therefore the scheme could not proceed?
 - o The applicant has not submitted any further information to discharge this condition.
 - o The applicant will need to satisfy Condition 11 prior to development taking place.
 - o We agree that the flood compensation condition is part of the overall flood risk condition – discharge of condition 9 cannot take place until condition 11 is also discharged.
- iv. Is it still the case that the applicant has yet to submit a revised hydraulic model (for the purpose of Condition 9)?
 - o Yes, the applicant needs to submit a revised hydraulic model.
 - o The applicant will need to rerun the model with more accurate representations of what they will construct on the ground. As outlined in the planning decision – the 'with railway' model.
- v. We note the proposed change to the wording of Condition 4 (Buffer Zone) but it remains unclear whether the required buffer zone can be provided within land controlled by the applicant or within the Order boundary? Have you had any further discussions with the applicant on this issue?
 - o No – we will review submitted plans in line with any discharge of condition application and the TWA Order Protective Provisions.
- vi. Have you given any consideration to the proposed location of the construction compound/s (which did not form part of the original planning application and in our view will give rise to the risk of watercourse pollution and additional flood risk in the proposed locations)?
 - o We will deal with this process as the proposal evolves – using the protective provisions as agreed in the TWA Order and any further planning permissions that may be required.
- vii. We have raised concerns over the integrity of the proposed embankment works within a Flood zone 3a area and in some cases the functional floodplain. When we met you explained that the applicant would be required to demonstrate the structural integrity of the embankment during a flood event as part of the discharge of Condition 9? Has any such information been provided by the applicant?
 - o Yes the applicant has to satisfy the details requested in Condition 9 – Flood Risk and Condition 10 – Flood Defence Integrity.
 - o No details have been submitted to discharge these conditions.

We would be very grateful if you were able to clarify the Environment Agency's position on these issues.

Many thanks for your assistance on this project.

We would be happy to discuss the above further if required.

Regards

Chris Patmore CEnv, BEng, DIP EIA, MIEEnvSci, MCIHT, MCIWEM. MICRS
Technical Director – SuDS



M+ 44 (0) 7795 236966

WSP UK Ltd, Basing View, Basingstoke, RG21 4HJ

From: Page, Sophie <Sophie.Page@environment-agency.gov.uk>

Sent: 27 February 2020 09:35

To: Metcalfe, Charlotte <charlotte.metcalfe@wsp.com>; Penn, Richard <richard.penn@environment-agency.gov.uk>

Cc: Patmore, Chris <Chris.Patmore@wsp.com>

Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Dear Charlotte

Thank you for your email. In between our letters of May 2018 and March 2019 we met with the applicants to discuss our concerns. As outlined in our letter to the Secretary of State in March 2019, we have agreement on all points save the deemed consent/deemed refusal point.

During our discussions we submitted a revised set of Protective Provisions to the applicant and discussed these in detail. An agreed, amended version of the Protective Provisions has been produced, which has overcome our objection.

The Conditions on the Planning Permission still stand and these, alongside the amended TWA Order with our Protective Provisions provide confidence that our requirements for the works in and around the River Rother and the surrounding land will be met.

Kind regards

Sophie Page

Planning Specialist, Sustainable Places, Kent, South London and East Sussex

Environment Agency | Orchard House, Endeavour Park, London, Addington, West Malling, Kent, ME19 5SH

sophie.page@environment-agency.gov.uk

External: 0208 4748030

Team: kslplanning@environment-agency.gov.uk

Please note I do not work Fridays



Does Your Proposal Have Environmental Issues or Opportunities? Speak To Us Early!

If you're planning a new development, we want to work with you to make the process as smooth as possible. We offer a bespoke advice service where you will be assigned a project manager who be a single point of contact for you at the EA. This early engagement can significantly reduce uncertainty and delays to your project. More information can be found on our website [here](#).

From: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>

Sent: 13 November 2019 12:37

To: Patmore, Chris <Chris.Patmore@wsp.com>

Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Dear Chris

Many thanks for your email. I have begun to think about Rother Valley Railway too, although we have not had any update from the designers or promoters since the inquiry was postponed. The major discussions were to be with Highways England and other parties objecting to the scheme as far as I understand it.

We do monitor river and sea levels. These can be seen publicly at <https://flood-warning-information.service.gov.uk/river-and-sea-levels>.

I note your offer of further discussion should we wish to and I will bear that in mind. Likewise we would be happy to facilitate a meeting with you to discuss the latest position, if required, once things start moving again in the new year. (Note this will be under our charged advice service)

Kind regards

Sophie

Sophie Page

Planning Specialist, Sustainable Places, Kent, South London and East Sussex

Environment Agency | Orchard House, Endeavour Park, London, Addington, West Malling, Kent, ME19 5SH

sophie.page@environment-agency.gov.uk

External: 0208 4748030

Team: kslplanning@environment-agency.gov.uk

Please note I do not work Fridays



Does Your Proposal Have Environmental Issues or Opportunities? Speak To Us Early!

If you're planning a new development, we want to work with you to make the process as smooth as possible. We offer a bespoke advice service where you will be assigned a project manager who be a single point of contact for you at the EA. This early engagement can significantly reduce uncertainty and delays to your project. More information can be found on our website [here](#).

Please note – Our hourly charge is now £100 per hour plus VAT from 1st April 2018.

From: Patmore, Chris [<mailto:Chris.Patmore@wsp.com>]

Sent: 12 November 2019 14:22

To: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>

Cc: Lamb, Georgie <Georgie.Lamb@wsp.com>; King, Simon <Simon.King@wsp.com>

Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Sophie,

I trust we find you well.

It has been quite some time since we last met and corresponded regarding the proposed application for an extension to the Rother Valley Railway.

Has there been any further dialogue with the designers or promoters since the meeting we had last year?

Also, are you actively monitoring flood waters and river levels in the area?

We are happy to discuss further if its useful.

Regards

Chris Patmore CEnv, BEng, DIP EIA, MIEEnvSci, MCIHT, MCIWEM
Technical Director – SuDS



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WSP UK Ltd, Basing View, Basingstoke, RG21 4HJ

From: King, Simon <Simon.King@wsp.com>

Sent: 01 October 2018 13:34

To: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>

Cc: Patmore, Chris <Chris.Patmore@wsp.com>

Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Hi Sophie,

Thanks again for taking the time to see us today, it was very useful for us in understanding the history of the scheme and the work you've been doing to date.

When you get the chance would you be able to send me the details of your two colleagues who were also in attendance so that I can add their names to the minutes?

Thanks again,

Simon

Simon King
Senior Engineer



T+ 44 (0)1256 318644

Mountbatten House, Basing View,
Basingstoke, Hampshire,
RG21 4HJ

wsp.com

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From: King, Simon
Sent: 28 September 2018 16:55
To: 'KSLPlanning' <KSLPLANNING@environment-agency.gov.uk>
Cc: Patmore, Chris <Chris.Patmore@wsp.com>
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Hi Sophie,

Apologies I'm not sure if I got back to you on this or not but yes this is broadly speak what we would like to discuss.

As the various submissions and consultee responses are not well documented on the planning portal in addition to the detailed comments below we would also like to establish what work was undertaken by Capita to demonstrate that the proposed scheme would not result in an increase in flood risk locally and the overall timeline for the submission documents relating to flood risk and the associated responses from yourselves.

I look forward to meeting you on Monday!

Many thanks,

Simon

Simon King
Senior Engineer



T+ 44 (0)1256 318644

Mountbatten House, Basing View,
Basingstoke, Hampshire,
RG21 4HJ

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From: KSLPlanning [<mailto:KSLPLANNING@environment-agency.gov.uk>]
Sent: 19 September 2018 09:52
To: King, Simon <Simon.King@wsp.com>
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Dear Simon

Great – that is in the diary. We have the following from your earlier email – is this still what you would like to discuss?

In summary, the items we are seeking more clarification on are related to the points raised within your letter in response to the TWAo (Works Act Order Application) Robertsbridge (copy attached) as well as a few of the other letters prepared during the original planning application;

- Flood compensation – the introduction of a new raised embankment and changes in flood flow pathways appears to have resulted in a change in flood level on our clients landholdings that you have rightly suggested needs to be compensated for. Based on a standard “like-for-like level” compensation methodology this would have an additional negative impact on our clients land. Has any discussion been had as to the location, extent and/or type of compensation that could be proposed?
- There are a number of culverts and crossing points being introduced. How much discussion has been carried out in regard to access and maintenance and indeed impact of blockages?
- We have looked at the alignment and there are a few locations where we believe the proposals imping on access and bylaw distances to the existing watercourses – what is the EA view on this?
- There are comments regarding waterlogging of the land and we are concerned regarding the impacts of more frequent flood events on the land immediately adjacent to the proposals.
- Has there been any review / comment regarding the impacts of mobilising of materials during a flood event? We note that changes to the design include lowering of section of the railway so that flood waters can cross the tracks. Flood waters would then be able to mobilise the track bedding materials and wash these into the watercourses immediately adjacent to the proposed railway.

In addition, within both versions of the FRA submitted (2013 and 2016) there is reference to a “modelling report” that was used to inform the FRA. We have sought a copy of the modelling report from Rother District Council (planning authority) but apparently this was not included in their planning material. Is this a document that the EA has access to?

Here is the address of our Office and a link to google maps **[Orchard House, Endeavour Park, London Road, Addington, West Malling, Kent, ME19 5SH](#)**

Kind regards

Sophie Page

Planning Advisor, Sustainable Places, Kent, South London and East Sussex

Environment Agency | Orchard House, Endeavour Park, London, Addington, West Malling, Kent, ME19 5SH

sophie.page@environment-agency.gov.uk

External: 0208 4748030

Team: kslplanning@environment-agency.gov.uk

Please note I do not work Fridays



From: King, Simon [<mailto:Simon.King@wsp.com>]

Sent: 17 September 2018 12:25

To: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>

Cc: Patmore, Chris <Chris.Patmore@wsp.com>

Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction) Transport and Works Act Order Application - Robertsbridge

Hi Sophie,

Thanks for coming back to me, sorry this is proving such a pain to organise!

We could make either of these dates, shall we say Monday at 11?

Kind Regards,

Simon

Simon King

Senior Engineer



T+ 44 (0)1256 318644

Mountbatten House, Basing View,
Basingstoke, Hampshire,
RG21 4HJ

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From: KSLPlanning [<mailto:KSLPLANNING@environment-agency.gov.uk>]

Sent: 17 September 2018 11:23

To: King, Simon <Simon.King@wsp.com>

Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Hi Simon – How about Monday 1 October at 11am?

Or the Thursday 4 Oct in the afternoon?

Sophie

Sophie Page

Planning Advisor, Sustainable Places, Kent, South London and East Sussex

Environment Agency | Orchard House, Endeavour Park, London, Addington, West Malling, Kent, ME19 5SH

sophie.page@environment-agency.gov.uk

External: 0208 4748030

Team: kslplanning@environment-agency.gov.uk

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From: King, Simon [<mailto:Simon.King@wsp.com>]
Sent: 13 September 2018 16:57
To: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>
Cc: Patmore, Chris <Chris.Patmore@wsp.com>
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Hi Sophie,

Apologies but we are now unable to make the 26th. Do you have any other availability that week or the following week?

Kind Regards,

Simon

Simon King
Senior Engineer



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From: KSLPlanning [<mailto:KSLPLANNING@environment-agency.gov.uk>]
Sent: 12 September 2018 12:55
To: King, Simon <Simon.King@wsp.com>
Cc: Patmore, Chris <Chris.Patmore@wsp.com>
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Dear Simon

Apologies for the delay in replying. We can do Wednesday 26th September at 2pm. This will be at our Orchard House office near West Malling in Kent. Address below.

Attending will be myself and Meriel Mortimer, Technical Advisor for Flood Risk and Coastal Management.

Kind regards

Sophie Page
Planning Advisor, Sustainable Places, Kent, South London and East Sussex
Environment Agency | Orchard House, Endeavour Park, London, Addington, West Malling, Kent, ME19 5SH

sophie.page@environment-agency.gov.uk

External: 0208 4748030

Team: kslplanning@environment-agency.gov.uk

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From: King, Simon [<mailto:Simon.King@wsp.com>]

Sent: 10 September 2018 10:19

To: Page, Sophie <Sophie.Page@environment-agency.gov.uk>

Cc: Patmore, Chris <Chris.Patmore@wsp.com>

Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Hi Sophie,

Hope you had a nice weekend; sorry for the chase but did you manage to confirm availability for the 25th September?

Kind Regards,

Simon

Simon King

Senior Engineer



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Basingstoke, Hampshire,
RG21 4HJ

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From: King, Simon

Sent: 30 August 2018 15:27

To: sophie.page@environment-agency.gov.uk

Cc: 'richard.penn@environment-agency.gov.uk' <richard.penn@environment-agency.gov.uk>; Tanner, Simon <Simon.Tanner@environment-agency.gov.uk>

Subject: FW: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Hi Sophie,

Forwarding to your direct email address in-case my previous email gets lost in the general inbox.

Many thanks,

Simon

Simon King
Senior Engineer



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From: King, Simon
Sent: 30 August 2018 14:40
To: 'KSLPlanning' <KSLPLANNING@environment-agency.gov.uk>
Cc: Patmore, Chris <Chris.Patmore@wsp.com>
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Hi Sophie,

I hope you're well, just a quick message to let you know that I've left you a voicemail about our upcoming meeting on Rother Valley Railway.

If you could give me a call whenever is convenient on the number below to confirm the arrangements that would be great.

Kind Regards,

Simon

Simon King
Senior Engineer



T+ 44 (0)1256 318644

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Basingstoke, Hampshire,
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From: King, Simon
Sent: 02 August 2018 14:11
To: 'KSLPlanning' <KSLPLANNING@environment-agency.gov.uk>
Cc: Patmore, Chris <Chris.Patmore@wsp.com>
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Good Afternoon Sophie,

Please find a new purchase order attached.

Kind Regards,

Simon

Simon King

Senior Engineer



T+ 44 (0)1256 318644

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Basingstoke, Hampshire,
RG21 4HJ

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From: KSLPlanning [<mailto:KSLPLANNING@environment-agency.gov.uk>]
Sent: 01 August 2018 17:17
To: Patmore, Chris <Chris.Patmore@wsp.com>
Cc: King, Simon <Simon.King@wsp.com>
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Hi Chris

Yes I think that will be fine.

Many thanks

Sophie

From: Patmore, Chris [<mailto:Chris.Patmore@wsp.com>]
Sent: 01 August 2018 14:12
To: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>
Cc: King, Simon <Simon.King@wsp.com>
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Sophie,

In terms of arranging a formal PO – shall we look at making this to the value of £800 as you suggested below?
If there are other matter that arise we can then extend the PO value if needed.

Regards

Chris Patmore CEnv, BEng, DIP EIA, MIEEnvSci, MCIHT, MCIWEM
Technical Director – SuDS



M+ 44 (0) 7795 236966

WSP UK Ltd, Basing View, Basingstoke, RG21 4HJ

From: KSLPlanning [<mailto:KSLPLANNING@environment-agency.gov.uk>]
Sent: 01 August 2018 12:12
To: King, Simon; Patmore, Chris
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Dear Simon and Chris

My finance team have had a query from WSP finance. See attached PDF. Can you confirm the invoice address and PO number please – below is what we have currently?

Organisation/Company Name	WSP UK Ltd
Customer Name	Chris Patmore
Customer Address	Mountbatten House,Basing View,Basingstoke,
Customer Postcode	RG21 4HJ
Invoice Address (if different from customer address)	
Invoice Postcode	
Invoice Instructions	70047158-EA01

Many thanks

Sophie

Sophie Page

Planning Advisor, Sustainable Places, Kent, South London and East Sussex

Environment Agency | Orchard House, Endeavour Park, London, Addington, West Malling, Kent, ME19 5SH

sophie.page@environment-agency.gov.uk

External: 0208 4748030

Team: kslplanning@environment-agency.gov.uk

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From: King, Simon [<mailto:Simon.King@wsp.com>]

Sent: 19 July 2018 10:50

To: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>

Cc: Hutchings, Richard <richard.hutchings@wsp.com>; Patmore, Chris <Chris.Patmore@wsp.com>

Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Good Morning Sophie,

Thanks for taking the time to discuss this with me yesterday.

Having had the chance to go through the points raised with Chris we would like to arrange a meeting as below with the meeting to be followed up with a formal written response.

With this in mind please could you set up a charging agreement (completed request form attached) and provide us with some potential dates for a meeting?

Kind Regards,

Simon

Simon King

Senior Engineer



T+ 44 (0)1256 318644

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RG21 4HJ

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From: KSLPlanning [<mailto:KSLPLANNING@environment-agency.gov.uk>]
Sent: 18 July 2018 14:53
To: Patmore, Chris <Chris.Patmore@wsp.com>
Cc: Hutchings, Richard <richard.hutchings@wsp.com>; King, Simon <Simon.King@wsp.com>
Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Dear Chris

Thank you for your email. We will be happy to meet with you to discuss the items you outline below. however much of the detail is still to be determined under the conditions of the planning permission or within our Flood Risk Activity Permit process.

Advice outside of a statutory consultation is charged at £100 per hour (+VAT). For a 2 hour meeting at our Orchard House Office near West Malling, I would estimate the cost at £800 (+VAT).
(1 Specialist Officer, 1 Planning Officer, document advance review and project management costs)

Alternatively, we can send a written response to your queries in the first instance – £400 (+VAT)
(1 Specialist Officer document review and technical response, project management costs)

Please note that we only charge for the time spent on a job and the above is an estimate. If you would like to follow up on either of these quotes – please complete and return the attached form and I will set up the charging agreement.

If you would like further information, please do not hesitate to contact me.

Kind regards

Sophie Page
Planning Advisor, Sustainable Places, Kent, South London and East Sussex
Environment Agency | Orchard House, Endeavour Park, London, Addington, West Malling, Kent, ME19 5SH

sophie.page@environment-agency.gov.uk
External: 0208 4748030
Team: kslplanning@environment-agency.gov.uk

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From: Patmore, Chris [<mailto:Chris.Patmore@wsp.com>]
Sent: 11 July 2018 14:22
To: Penn, Richard <richard.penn@environment-agency.gov.uk>; Tanner, Simon <Simon.Tanner@environment-agency.gov.uk>
Cc: KSLPlanning <KSLPLANNING@environment-agency.gov.uk>; Page, Sophie <Sophie.Page@environment-agency.gov.uk>; Hutchings, Richard <richard.hutchings@wsp.com>; King, Simon <Simon.King@wsp.com>

Subject: RE: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Richard

Many thanks for your time today and to you and your team for responding to our earlier data requests.

As mentioned we are acting on behalf of several of the landowners that may be impacted by the proposed railway and in particular in flood risk terms.

We have viewed a number of the documents available via the planning process and have a few questions that we would like to run through with yourselves if possible. We feel that it may be more productive to have a face to face meeting to run through these issues if that is at all possible?

In summary, the items we are seeking more clarification on are related to the points raised within your letter in response to the TWAo (Works Act Order Application) Robertsbridge (copy attached) as well as a few of the other letters prepared during the original planning application;

- Flood compensation – the introduction of a new raised embankment and changes in flood flow pathways appears to have resulted in a change in flood level on our clients landholdings that you have rightly suggested needs to be compensated for. Based on a standard “like-for-like level” compensation methodology this would have an additional negative impact on our clients land. Has any discussion been had as to the location, extent and/or type of compensation that could be proposed?
- There are a number of culverts and crossing points being introduced. How much discussion has been carried out in regard to access and maintenance and indeed impact of blockages?
- We have looked at the alignment and there are a few locations where we believe the proposals imping on access and bylaw distances to the existing watercourses – what is the EA view on this?
- There are comments regarding waterlogging of the land and we are concerned regarding the impacts of more frequent flood events on the land immediately adjacent to the proposals.
- Has there been any review / comment regarding the impacts of mobilising of materials during a flood event? We note that changes to the design include lowering of section of the railway so that flood waters can cross the tracks. Flood waters would then be able to mobilise the track bedding materials and wash these into the watercourses immediately adjacent to the proposed railway.

In addition, within both versions of the FRA submitted (2013 and 2016) there is reference to a “modelling report” that was used to inform the FRA. We have sought a copy of the modelling report from Rother District Council (planning authority) but apparently this was not included in their planning material. Is this a document that the EA has access to?

I hope that the above makes sense.

We would appreciate your consideration and possible suggested meeting dates.

Regards

Chris Patmore *CEnv, BEng, DIP EIA, MIEEnvSci, MCIHT, MCIWEM*
Technical Director – SuDS



M+ 44 (0) 7795 236966

WSP UK Ltd, Basing View, Basingstoke, RG21 4HJ

From: Togher, James [<mailto:james.togher@environment-agency.gov.uk>]

Sent: 18 June 2018 18:47

To: Patmore, Chris

Subject: KT/2018/124176/01-L01 - Proposed Rother Valley Railway (RVR) (Bodiam to Robertsbridge Junction)
Transport and Works Act Order Application - Robertsbridge

Dear Mr Patmore,

Thank you for your earlier call to our national contact centre. I'm covering for Richard Penn who is on holiday this week. I'm looking into the response and discussing with the teams involved and will be in touch soon.

If you have any questions in the meantime please let me know.

Kind regards

James

James Togher
Sustainable Places Team Leader

Environment Agency | 3rd Floor, Seacole Building, 2 Marsham Street, London, SW1P 4DF

kslplanning@environment-agency.gov.uk



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