RVR/W6/4

TRANSPORT AND WORKS ACT 1992

THE TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

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

REBUTTAL TO THIRD PARTY PROOFS OF EVIDENCE

PREPARED BY GILES COE MCIEEM

Overview

1.1 Having read through the evidence submitted on behalf of OBJ/1002 regarding the ecological impacts of the proposed Order scheme, I provide a response to particular statements from third parties and re-assurance of the robustness of the approach to ecology in both planning the works and practical mitigation.

1.2 In reference to the submission by Salehurst and Robertsbridge Parish Council (REP/11) I note that at the time the ES was originally formulated the Salehurst and Robertsbridge Neighbourhood Development Plan policies had not yet been devised and subsequently adopted, however, they do broadly equate to other local (Rother Local Plan, 2006) and national planning policies (NPPF) which were in the place at the time and which were cited within the Environmental Statement. I would confirm that in my professional view there is nothing within the Order scheme that is at odds with the cited policies EN3 and EN4. With particular reference to policy EN4, the ecological functioning of the habitats along the route is integral to the principles to which the Environmental Statement and subsequent mitigation works have been predicated.

1.3 This rebuttal covers the following proofs of evidence: 1) Andrew Highwood Proof of Evidence section 21 OBJ/1002/AH/1; 2) Andrew Highwood Appendices, Appendix 6 OBJ/1002/AH/2; and 3) Emma Ainslie Proof of Evidence OBJ/1002/EA/1.

1.4 This rebuttal addresses certain points where a response in writing may assist the inquiry. The fact that other points are not specifically responded to does not mean that they are agreed.

OBJ/1002/AH/1- Andrew Highwood Proof of Evidence

Section 21 - Ecological Impacts

1.5 The witness cites the ecological health of Moat Farm, evidenced by the supporting appendices, without differentiating the railway line habitats from the rest of the property. This reflects the supporting information (OBJ/1002/AH/2, Appendix 6) which largely reports on the farm as a whole and does not distinguish which of the habitats it mentions are along the rail corridor. Nothing here or in Appendix 6 contradicts anything in the Environmental Statement or other supporting documents, and the small amount of direct survey data for the railway line area is useful supporting information for the assumptions used for the assessment of the scheme.

1.6 In regards Mr Highwood's reference to insufficient land being available for compensatory planting (OBJ/1002/AH/1, paragraphs 21.7 to 21.10) it is the contention of the scheme that the necessary area required is provided both within the footprint of the rail corridor and augmented by additional land parcels within the railways control.

1.7 The landscape strategy maps (RVR/27) illustrate the proposed areas where the current habitats are either arable or grassland and woodland and or scrub planting is considered to be appropriate. The exact siting and design of these features to be confirmed through the final investigation and assessment process to be followed once the land can be accessed and surveys completed. Contrary to Mr Highwood's assertions that there would be no room for manoeuvre within the acquisition boundary once the rail embankment is taken into account, there is an approximately 5m width either side of the CESS which can be utilised.

In addition to the trackside areas described here the mitigation land encompasses four discrete areas, Beech Farm Land (0.8ha), Trigger Land (0.4ha), Northbridge Street Land (0.1ha) and finally the Moat Farm Land (0.7ha).

OBJ1002-AH2- Andrew Highwood Appendices

Appendix 6 – Moat Farm Statement and Surveys

1.8 The submitted ecological survey and assessment information (OBJ/1002/AH/2, Appendix 6) provides some useful context and some specific data of the flora and fauna of Moat Farm gathered in 2014, 2015 and most recently 2019. This covers information on birds at the farm, including their breeding status, bryophytes, dormice and also plant communities recorded to their National Vegetation Classification. These

surveys provide a snapshot of the farm's ecology and are the background to both Mr Highwood's evidence and that of Mrs Ainslie, both of which refer to the ecological health and vitality of Moat Farm. For the most part this information relates to Moat Farm as a whole and in specific to various areas of wet woodland and species rich grassland. What the surveys do not do, is to provide an assessment of the conservation value of species and habitats within the rail corridor. The exception to this is the dedicated plant surveys carried out by Kate Ryland who is the only surveyor to make specific reference to a search along this feature.

1.9 The 2019 bird surveys have identified and confirmed the species which may be anticipated and would typically be found within woodland, arable fields and pasture. Of note is the reference to nightingale, a scrub nesting species known to occur within the local area, of conservation concern and potentially at risk from disturbance and habitat loss that is predicted from the project. Unfortunately, there is no location for this record provided in the report, just that singing males were heard within the area of Moat Farm. None of the species recorded provide any additional information above that provided by the data search with the Sussex Biodiversity Records Centre (SxBRC) and Sussex Ornithological Society (SOS).

1.10 The bryophyte surveys similarly provides a detailed assessment of the presence, distribution and status of this plant group throughout Moat Farm. Much of the interest would seem to be located within the wet woodland areas some 500m north of the rail corridor as well as elsewhere on the farm. There are only a small number of references to species located within or adjacent to the rail corridor and these appear, I believe, around the area of Austen's Bridge. The recorder is clear in his statement surrounding the value of the communities located at Moat Farm and the presence of some rarities and abundance of others, although it is unclear if there are any important areas for this plant group that could be impacted by the scheme.

1.11 As with bryophytes, the results of a moth survey are presented without any indication of location of those species that were trapped and without an assessment of their likely value.

1.12 The NVC surveys do provide the first confirmation that there are some species rich grassland communities around Moat Farm and that this is not located in small isolated fields but throughout the farm. Again, unfortunately, no accompanying map or

coordinates (only field numbers) are provided to provide any indication of where these habitats are in relation to the proposed railway corridor.

1.13 The only clear reference to the railway line is provided in the table of plant species recorded across the farm. All of those species listed are those that would be expected to be found within the developing woodland and scrub habitats that are likely to be found throughout the route.

1.14 The narrative that ties all of these surveys together does not unfortunately relate this information to the scheme in any way that is useful or objectively informative. That Moat Farm may have a high ecological value above that more commonly encountered is not disputed. However, this does not mean that the ecological receptors listed in the supporting documents would be affected adversely by the scheme, simply as a result of their proximity to it. The Environmental Statement predicted only a negligible adverse effect to woodland remaining within the immediate rail corridor.

1.15 It should be noted that the off-site scrub planting carried out by RVR was within 450m of the site, and not 4.5km, as stated by Mr Highwood, and that this was carried out with agreement from Natural England (see RVR/W6/3-4). The objective was to provide compensation and enhancement for dormouse habitat lost at the Junction Road to Austen's Bridge section. This was to be of benefit to local dormouse populations and not the specific individuals displaced by the scheme.

1.16 Mrs Ainslie refers to vegetation clearance taking place during the bird breeding season (OBJ/1002/EA/1, Paragraph 28) and suggests that this is indicative of a careless approach to the ecological impacts of the scheme on the part of the applicant. This is misconceived. There was good reason for the timing of the clearance of vegetation on the Austen's Bridge section of the route, which was to allow the careful timing and minimisation of impacts to badgers, breeding birds and dormouse all to be taken into consideration. The vegetation clearance was preceded by a targeted survey for nightingale carried out by a suitably experienced ecologist. An ecologist worked alongside the vegetation contractors at every stage of the process specifically to check for and identify any suspected nesting activity and institute control measures should anything be confirmed or suspected. This was in addition to the ecologist already present during the works who was there to check vegetation as part of the methodology for the dormouse licence.