

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 [REDACTED]
[REDACTED]

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

Yours sincerely

Sophie Page

Mrs Sophie Page
Planning Specialist
[REDACTED]

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

Environment Agency
[REDACTED]
[REDACTED]
[REDACTED]