



Mrs Joanna Vincent
Programme Officer
on behalf of the Inspector

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

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

Your Ref: JEW/33916/00001/PFI
Our Ref: DPI/U1430/18/21
(TWA/18/APP/02)
Date: 18 September 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

Thank you for your letter dated 11 September 2020, which followed a number of attempts by the Planning Inspectorate to establish with you what progress had been made towards the preparation of the requested Further Environment Information. I note that the preliminary meeting with the Environment Agency (EA), which you anticipated would take place within a few weeks of your letter dated 27 July 2020, has not taken place yet. Prior to your letter of 11 September 2020, it was not clear to me that it would be necessary to give some further direction either in order to prompt RVR to commence preparation of the requested Further Environmental Information or to prompt the EA to engage with RVR regarding that work. With reference to correspondence now received from RVR, the EA and OBJ/1002, the position, as I see it, is as follows.

In your letter to me dated 22 June 2020 you indicate that the revised Flood Risk Assessment would take up to 18 weeks to complete from formal order being placed by RVR with Capita. In my response, dated 10 July 2020, I confirmed the extent of the information required and that the allowances and assessment should be agreed with the relevant statutory bodies where possible.

Your letter to me dated 27 July 2020 indicated that the relevant statutory body in relation to this matter is the EA. Furthermore, you identified that a preliminary conversation with one of the EA's planning specialists had indicated that the time estimate of 18 weeks may be more than doubled by the requirement to agree allowances and the assessment, due to constraints on its resources allowing for standard EA response times. The preliminary meeting to clarify matters, as referred to above has not taken place. However, in its letter to me, dated 11 August 2020, the EA has indicated that it would not be possible for it to formally agree the revised Flood Risk Assessment. The reason being that its approval is tied to the separate process of discharging the Flood Risk condition attached to the planning permission for the scheme. A process which the EA confirms will require additional work, including 'as built' modelling and an accompanying Flood Risk Assessment.

In light of the correspondence referred to, I note that it is unlikely to be possible for RVR to secure the EA's formal approval of the revised Flood Risk Assessment and associated addendum to the Environmental Statement, which is to be produced in response to my request for Further Environmental Information. However, I am conscious that the necessary steps towards the production of a flood risk assessment for this particular scheme have already been established by RVR working closely with the EA on the existing Flood Risk Assessment. Furthermore, I have no reason to believe that the identification and agreement of appropriate revised allowances, with reference to the Government's updated guidance need be anything other than straight forward. In addition, the EA and others will have opportunities to comment on the Further Environmental Information, including the revised Flood Risk Assessment, when it is published and also in evidence to the Inquiry. It appears to me that this will provide the necessary information to enable conclusions to be drawn about the likely significant effects of the scheme with respect to flood risk.

As regards the establishment of a reasonably practical date for the submission/publication of the requested Further Environmental Information. Based the information provided and the position set out above, I see no compelling reason to depart from your original estimate of up to 18 weeks for the completion of the revised Flood Risk Assessment¹ from formal order being placed with Capita. I understand, from your letter dated 11 September 2020, that the anticipated preliminary meeting with the EA referred to above has yet to take place. Therefore, in addition, to my mind it would be reasonable to allow 6 weeks for the completion of preliminary matters, such as an initial meeting with the EA to which you have referred and the procurement of the work. Furthermore, it would be reasonable to allow 2 weeks following the completion of the revised Flood Risk Assessment for the full package of Further Environmental Information to be made ready for publication. A total of 26 weeks.

I see no merit in requiring the requested information to be published piecemeal. Such an approach would complicate consultation and may lead to misunderstandings amongst those trying to follow the changes, and it would not necessarily reduce the lead time to the Inquiry.

In identifying the timescale set out above, I have had regard to the concerns expressed by OBJ/1002 concerning delays to the opening of the Inquiry, with particular reference to their rights to a fair and public hearing, under Article 6 of the European Convention on Human Rights. I refer to their correspondence dated 21 July 2020 and 4 August

¹ Which includes cross-checking of other chapters-RVR email 5 August 2020.

2020. I consider that the timescale I have identified strikes a fair and reasonable balance between the differing interests of the parties.

The submission date for the requested Further Environmental Information is on or before the 22 March 2021. I trust that this provides the direction required. In the event that RVR is likely to be able to provide the information sooner, I would welcome confirmation of that by the 30 October 2020. Thereafter, we will liaise with parties, as necessary, to set a date for the start of the Inquiry and dates for necessary steps leading up to it.

A copy of this letter will be sent to both the Environment Agency and those representing OBJ/1002 as well as 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