

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

TRANSPORT AND WORKS (INQUIRIES PROCEDURE) RULES 2004

STATEMENT OF MATTERS

This Statement relates to the public inquiry to be held into the application by Rother Valley Railways Limited (RVR) for the above Order under the Transport and Works Act 1992 (“TWA”),

This statement sets out pursuant to rule 7(6) of the Transport and Works (Inquiries Procedure) Rules 2004 the matters about which the Secretary of State for Transport particularly wishes to be informed for the purposes of his consideration of the application. The matters are as follows;

- 1. The aims and the need for the proposed Rother Valley Railway (Bodiam to Robertsbridge Junction) Order which would authorise RVR to construct, operate and maintain a re-instated railway along the route of the former Rother Valley Railway between Bodiam and Robertsbridge (“the scheme”). The justification for the particular proposals in the draft TWA Order, including the anticipated transportation, environmental and socio-economic benefits of the project.**
- 2. The main alternative options considered by RVR and the reasons for choosing the proposals comprised in the scheme.**
- 3. The likely impact of the exercise of the powers proposed in the TWA Order on land owners, tenants, local residents, businesses and statutory undertakers including any adverse impact on their ability to carry out their business or undertaking effectively and safely and to comply with any statutory obligations applying to their operations during construction and operation of the scheme. Consideration under this heading should include:**
 - (a) the impact of the three new level crossings on safety, traffic flows and congestion particularly in relation to the A21 and future plans for this road;
 - (b) impact of the scheme on roads, footpaths and bridleways. including the impact on access to property and amenities;
 - (c) the effects on flood risk, air quality, water and waste discharge and noise;
 - (d) impact on heritage assets, the surrounding natural habitats, fauna and flora and the High Weald Area of Outstanding Natural Beauty;
 - (e) impact from changes to parking provision.

4. The measures proposed by RVR to mitigate any adverse impacts of the scheme including any protective provisions proposed for inclusion in the draft TWA Order or other measures to safeguard the operations of utility providers or statutory undertakers.

5. The extent to which the proposals in the TWA Order are consistent with the National Planning Policy Framework, national transport policy, and local transport, environmental and planning policies.

6. The adequacy of the Environmental Statement (including the data underpinning it) submitted with the application for the TWA Order, having regard to the requirements of the Transport and Works (Applications and Objections Procedure) Rules 2006.

7. Whether the statutory procedural requirements have been complied with.

8. The purpose and effect of any substantive changes to the draft Order proposed by RVR or other interested parties, and whether anyone whose interests are likely to be affected by such changes has been notified

9. Having regard to the criteria for justifying compulsory purchase powers in paragraphs 12 to 15 of the MHCLG Guidance on the “Compulsory purchase process and the Crichel Down Rules for the disposal of surplus land acquired by, or under the threat of, compulsion” (published on 29 October 2015 and updated on 28 February 2018):

- a) whether there are likely to be any impediments to RVR exercising the powers contained within the Order, including availability of funding;
- b) whether the land and rights in land for which powers are sought are required by RVR in order to secure satisfactory implementation of the scheme;
- c) whether there is a compelling case in the public interest for conferring on RVR powers to acquire and use land and rights for the purposes of the scheme; and
- d) whether the purposes for which the compulsory purchase powers are sought are sufficient to justify interfering with the human rights of those with an interest in the land affected.

10. Any other matters which may be raised at the inquiry.

Notes

It should be noted that whilst the above matters appear to the Secretary of State, from the evidence so far available, to be the principal ones that need to

be addressed, this statement does not preclude the inquiry Inspector from hearing evidence on any other matters that he/she may consider relevant to the consideration of the application. In addition this statement does not pre-determine the order in which issues are to be addressed at the inquiry, nor does it imply any order of importance.

The Secretary of State will be required to make a specific decision in relation to each of the proposed crossing closures and associated provisions relating to the respective crossing, within the scheme. The Inspector is invited to make recommendations to the Secretary of State accordingly.

**TWA Orders Unit
Department for Transport
29 November 2018**