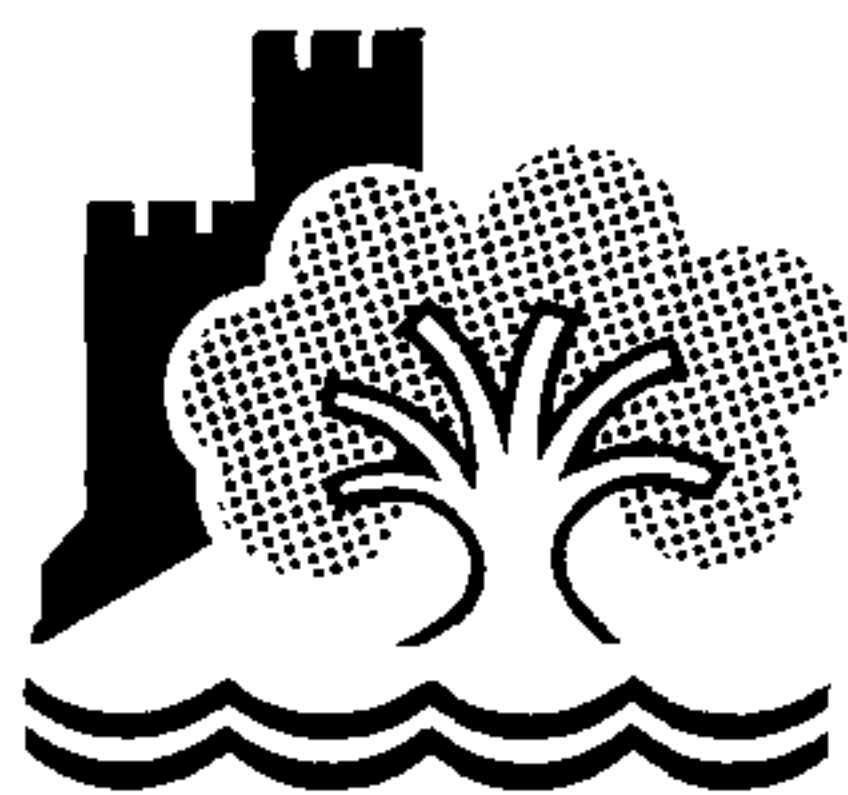


COPY



Rother

District Council

.....Working towards Excellence

Application No. RR/2005/836/P

Decision Date: 23 January 2006

Town and Country Planning Act 1990

PLANNING PERMISSION

AGENT/APPLICANT:

G S Crawley
Penny Cottage
Yelsted
Sittingbourne
KENT
ME9 7UT

APPLICANT

Rother Valley Railway Ltd
3-4 Bower Terrace
Tonbridge Road
Maidstone
KENT
ME16 8RY

DESCRIPTION:

CHANGE OF USE OF LAND BACK TO USE AS RAILWAY.

LOCATION:

BODIAM STATION - LAND WEST TO RIVER ROTHER AND ROBERTSBRIDGE STATION
NORTH EASTWARDS TO NORTHBRIDGE ST, SALEHURST/ROBERTSBRIDGE/EWHURST

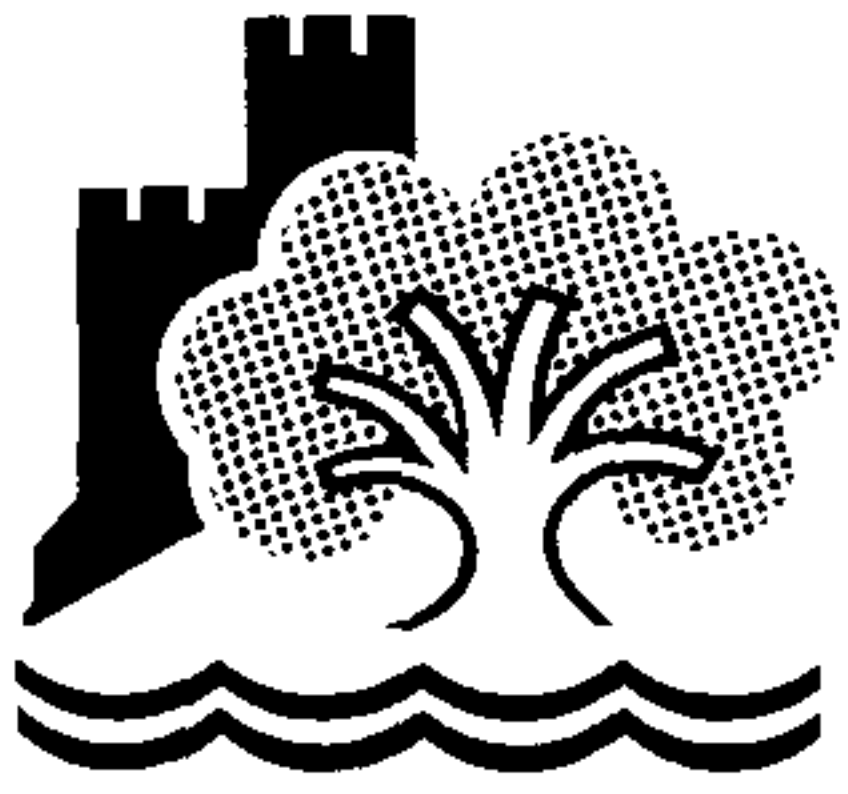
The Rother District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Act that permission has been granted for the carrying out of the development referred to above in accordance with the plans submitted subject to the following conditions:

- 1 The development must begin not later than the expiration of five years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

- 2 The proposals for the laying out of the yard at Robertsbridge contained in the application shall be carried out in full upon completion of the Robertsbridge track being laid and completed or at such a time as shall be otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is carried out in a manner that is in keeping with the character and appearance of the area and also to comply with the provisions contained in Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.



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- 3 Works for all new bridges and/or material alterations to any existing bridges shall only be carried out in accordance with the approved details.

Reason: To ensure that the development is carried out in a manner that is in keeping with the character and appearance of the area and also to comply with the provisions contained in Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

- 4 All works to erect new boundary fences to the railway shall be carried out in accordance with the approved details prior to the track being brought into use or at such a time as shall otherwise be agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is carried out in a manner that is in keeping with the character and appearance of the area and also to comply with the provisions contained in Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain the characteristics of the locality and to accord with Policies S1, EN2 and EN3 of the East Sussex and Brighton & Hove Structure Plan 1991 - 2011. AONB

- 6 No floodlighting of the site shall take place.

Reason: To safeguard the amenities of the locality and to accord with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

- 7 No repairs, maintenance or renovation of rolling stock or engines shall take place on the length of additional track hereby approved, except as may be agreed in writing with the Local Planning Authority.

Reason: To safeguard the visual amenities of the Area of Outstanding Natural Beauty landscape and to accord with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

- 8 No storage of rolling stock or engines shall take place on the length of additional track hereby approved at Bodiam, except as may be agreed in writing with the Local Planning Authority. Rolling stock or engines shall be considered to have been stored on the site when they have not been moved off the track edged in red on the plan after one week.

Reason: To safeguard the visual amenities of the Area of Outstanding Natural Beauty landscape and to accord with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Application No. RR/2005/836/P

Decision Date: 23 January 2006

- 9 Prior to its construction, details of the proposed loco shed and workshop at Robertsbridge identified on the plan RBST/110 rev.5 shall be submitted for the consideration and approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the development is carried out in a manner that is in keeping with the character and appearance of the area and also to comply with the provisions contained in Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

- 10 Details of foul and surface water drainage for the site shall be submitted to and approved by the Local Planning Authority before any work on the site commences. The drainage works shall be constructed in accordance with the approved plans before the development hereby permitted is brought into use or occupied.

Reason: To prevent water pollution, ensure satisfactory drainage of the site and accord with Policy EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011. (CN8C)

REASONS FOR THE GRANT OF PLANNING PERMISSION

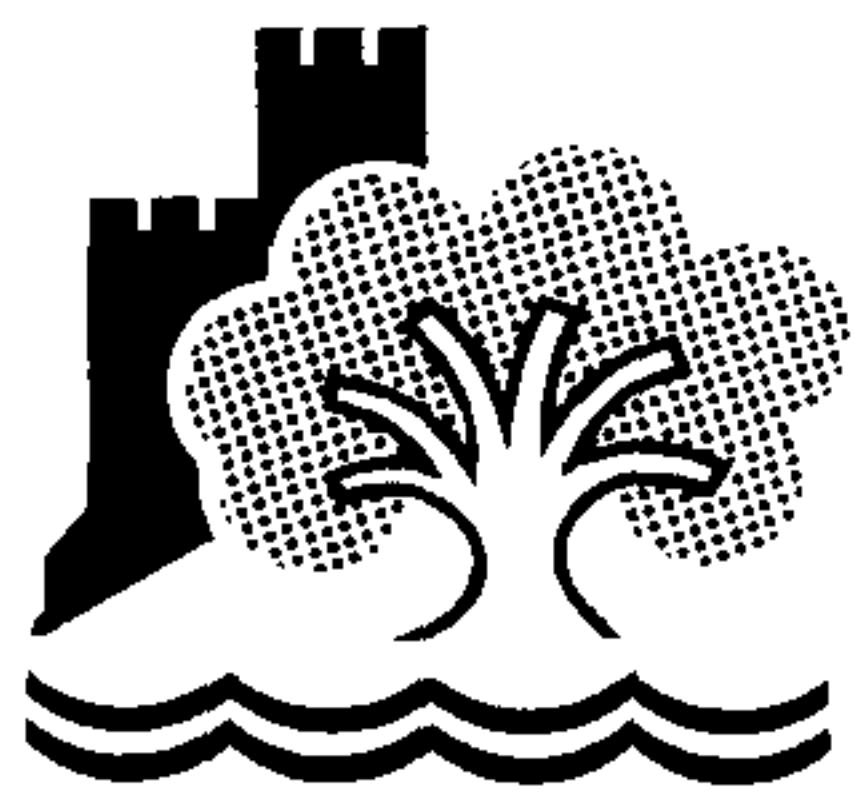
Planning permission has previously been granted for the reversion of the land back to use as railway and whilst no longer extant, is a material consideration in the determination of the current planning application. The proposed development would have limited visual impact on the landscape and the use of the railway would not be unacceptably harmful to the living conditions of adjoining occupiers. The extension of the railway is supported in Policy EM8 of the Rother District Local Plan: Revised Deposit (November 2003) which it is recommended is retained in the Inspector's Report in response to the representations on the Local Plan. The proposed development complies with Policies S1, EN2, EN3 and EN11 of the East Sussex and Brighton & Hove Structure Plan 1991-2011

NOTES:

This decision notice relates to the proposals as shown on the originally submitted plans and subsequently amended plan date stamped date stamped 23 January 2006.

The applicant's attention is drawn to the detailed technical comments contained in the letter of 10 May 2005 from Network Rail (copy attached).

This permission includes condition(s) requiring the submission of details prior to the commencement of development. Following close consideration in the courts it is now well established that if the permission contains conditions requiring further details to be submitted to the Council, or other matters to take place prior to development commencing, and these conditions have not been complied with the development is unlawful and does not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced.



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STATUTORY NOTICE TO THE APPLICANT: If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within SIX MONTHS of the date of this notice. Please see overleaf for details.

J. E. Rollins

HEAD OF PLANNING

COPY

Network Rail

DISTRICT COUNCIL	
PLANNING DEPT.	
Ref. No.	
File No.	
Rec'd	12 MAY 2005
Referred to	Initials
R	[Signature]

Network Rail - South East Territory
 CP2 - 1E,
 General Offices,
 Waterloo Station,
 LONDON, SE1 8SW.

DX 119552 Waterloo Station 2

☎ 020 7921 2592

Fax: 020 7921 5788

Mr M Cathcart
 Rother District Council
 Town Hall
 DX 8103 BEXHILL ON SEA

Your Ref : RR/2005/836/P
 Our Ref : NR/P/TTH/49-45

Date : 10/05/2005

Dear Sir / Madam,

TOWN AND COUNTRY PLANNING ACT

Robertsbridge: Land near Robertsbridge Station: Change of use of land back to use as a railway.

With reference to your letter of 06/04/2005, you will appreciate that I need to be satisfied that Network Rail's infrastructure will not be adversely affected by the proposal, both during the period of construction and after completion and in this respect I give below my comments and conditions in respect of the proposal.

In this instance, the site is subject to a restrictive covenant which requires Network Rail's agreement to the proposal, the site having been sold by Conveyance:

While I appreciate that you may not be able to incorporate my observations as a Condition of Planning Consent, I would be grateful if you would include an 'informative' in your Decision Notice to the effect that the Applicant should take due account of any comments on the Application.

Whilst there is no objection in principle to the Planning Application my only comments relate to the area to contain three sidings for the storage of carriages awaiting restoration and the site is depicted on Drawing No RBST/115.rev 3 enclosed with the application.

I note that it is proposed to raise the level of the ground here and I would draw your attention to the fact that there has been instability experienced on Network Rail's own embankment in the vicinity and nothing whatsoever must be done in connection with any proposed works by the Applicant to aggravate the situation.

There is a stream in the area (2-3 metre wide) which will require culverting and nothing whatsoever must be done to interfere with the free flow of water at all times. According to my records the flow of water runs East to West although according to details submitted the Applicant appears to state the opposite.

The effective height of any Network Rail lineside fencing in the area must not be reduced by any works on site.

Additional Requirements for Protecting NRIL's Interests

All works, both temporary and permanent, should be designed and constructed so that they will have no influence on the stability of NRIL's structures and adjoining land.

A suitable kerb or approved crash barrier must be provided along any road or parking area adjacent to NRIL's fencing to prevent any damage by vehicles. Such barriers are to be positioned so as not to afford a means of scaling the fence.

Any cranes or other plant to be used on site must be positioned and operate in such a way that, in the event of mishandling or failure of any part of the equipment or subsidence of the ground supporting the equipment, they will not move or fall within three metres of the nearest rail. Their loads or jibs should not under any circumstances over-sail NRIL's property.

All costs incurred by NRIL in connection with the Works should be reimbursed by the Developer. An Outside Party Works Request Form is to be completed and submitted to this office before work commences. This form is available upon request.

A copy of this letter has been sent to the Applicants Agent and look forward to receiving any details requested at the earliest opportunity, reserving the right to make any additional comments and conditions deemed necessary to ensure the safe operation of the railway.

Please advise me of the outcome of this Application in due course.

Yours faithfully,

Network Rail (Planning).

Copy to:

G S Crawley
Penny Cottage, elsted
Sittingbourne
Kent, ME9 7UT