

Town and Country Planning Act 1990

PLANNING PERMISSION

AGENT/APPLICANT:

Rother Valley Railway Ltd
Attn: Mr Crawley
Pot Kiln Cottage
High Halden Road
BIDDENDEN, ASHFORD
TN26 3HR

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DESCRIPTION:

CHANGE OF USE BACK TO USE AS RAILWAY TO RESTORE THE HISTORIC TRACK BED FROM ITS EXISTING EXTENT AUTHORISED BY PLANNING PERMISSION RR/2005/836/P THROUGH THE GROUNDS OF UDIAM FARM TO FURTHER EXTEND THE KENT AND EAST SUSSEX RAILWAY (KESR) WESTWARDS FROM BODIAM TOWARDS ROBERTSBRIDGE.

LOCATION:

UDIAM FARM, JUNCTION ROAD, 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 hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004). (CD1A)

- 2 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 AONB landscape in accordance with Policy GD1 (v) of the Rother District Local Plan.

- 3 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 AONB landscape in accordance with Policy GD1 (v) of the Rother District Local Plan.

- 4 Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the River Rother shall be submitted for the consideration and approval of the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- Plans showing the extent and layout of the buffer zone
- Details of any proposed planting using only native species
- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term

Reason: Development that encroaches on river corridors has a potentially large impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Habitat alongside River Rother is particularly valuable for wildlife and it is essential this is protected. Article 10 of the habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

- 5 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority), shall be carried out until a method statement detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority and the works shall be completed in accordance with the approved method statement.

Reason: To prevent pollution of the water environment in accordance with Policy GD1(x) of the Rother District Local Plan.

REASONS FOR THE GRANT OF PLANNING PERMISSION

The proposed development is the reinstatement of a previously developed railway line. It would have limited visual impact on the landscape and would not adversely affect the character or appearance of the countryside, which lies within the High Weald Area of Outstanding Natural Beauty. The extension of the railway is supported in Policy EM8 of the Rother District Local Plan. Furthermore the proposal accords with Policy GD1(ii), (iv), (v) of the Rother District Local Plan.



Application No. RR/2009/1114/P

Decision Date: 26 June 2009

NOTES:

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. A fee is payable for written requests for compliance with conditions; the current fee is £25.00 for each request for householder developments and £85.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website www.planning.rother.gov.uk.

This planning permission does not authorise any interference with, or disturbance of, the public right of way, which crosses the site. If a diversion or stopping-up order of this public right of way is desired a further application should be made to the Council.

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.

HEAD OF PLANNING