

Caroline O'Neill

RCPs/15

From: Mark Cathcart <Mark.Cathcart@rother.gov.uk>
Sent: 24 May 2018 09:42
To: TRANSPORTANDWORKSACT
Subject: Ref: TWA/2/2/150 Proposed Rother Valley Railway, Bodiam to Robertsbridge, East Sussex.
Attachments: Letter.pdf; appendix A.PDF; appendix B.PDF

Dear Sir/Madam,

Your ref TWA/2/2/150.

Please find comments on behalf of Rother District Council attached. I hard copy will be sent in the post.

With regards, Mark Cathcart.

Mark Cathcart BSc MA MRTPI
Planning Officer
Rother District Council
Bexhill on Sea
East Sussex

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Tel: (01424) 787000 (Customer Services)
Your ref: TWA 2/2/150
Our ref: MC/PE/00222/2018
Please ask for: Mr M Cathcart
Direct dial no: 01424 787613
Date: 24 May 2018



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c/o Transport and Works Act Orders Unit
General Counsel's Office
Department for Transport
Zone 1/18
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Dr A Leonard
Executive Director of Business Operations

Town Hall
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transportandworksact@dft.gsi.gov.uk

Dear Sir,

TRANSPORT AND WORKS ACT 1992.

**TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS PROCEDURE)
(ENGLAND AND WALES) RULES 2006.**

**PROPOSED ROTHER VALLEY RAILWAY (BODIAM TO ROBERTSBRIDGE JUNCTION)
ORDER.**

Rother District Council has received a copy of the application to the Secretary of State for Transport under Rule 13(1) of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006. The Council has been invited to make representations to the application.

The Council received a planning application (our reference RR/2014/1608/P) for the reinstatement of the Rother Valley Railway from Northbridge Street, Robertsbridge, to Junction Road, Bodiam, on 30 June 2014. The application was made by Mr G Crawley on behalf of Rother Valley Railway Ltd. The application was accompanied by an Environmental Statement.

The Local Planning Authority acted positively and proactively in determining the application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns.

The application was considered by the Council's Planning Committee at its meeting on 16 March 2017. A copy of the report to the Committee is attached as Appendix A. The Planning Committee decided to grant planning permission subject to conditions in accordance with the recommendation in the report. The planning permission was issued on 22 March 2017, a copy of which is attached at Appendix B.



Condition 2 of the planning permission lists the detailed plans and drawings that have been approved under the planning permission.

Other conditions included on the decision notice require the submission of further details to be submitted to the Council for its consideration and approval. This includes a number of pre-commencement conditions. To date there has been no application made to this Council for the discharge of conditions.

The Council was satisfied that the planning application was in accordance with development plan policies (including 'saved' Policy EM8 of the 2006 Local Plan); having regard to the mitigation put forward in the application, the formal responses from consultees, and having taken into consideration the environmental information contained with the application, it was determined that it could be approved subject to conditions. The imposition of the attached conditions was considered crucial to the granting of planning permission.

In granting planning permission the Council was aware that the scheme needs to be assessed and approved by the Secretary of State for Transport under a TWA application submission.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Tim Hickling', written over a horizontal line.

Tim Hickling: Service Manager – Strategy and Planning.

Appendices:

A – Report to Planning Committee dated 16 March 2017.

B – Planning permission RR/2014/1608/P.

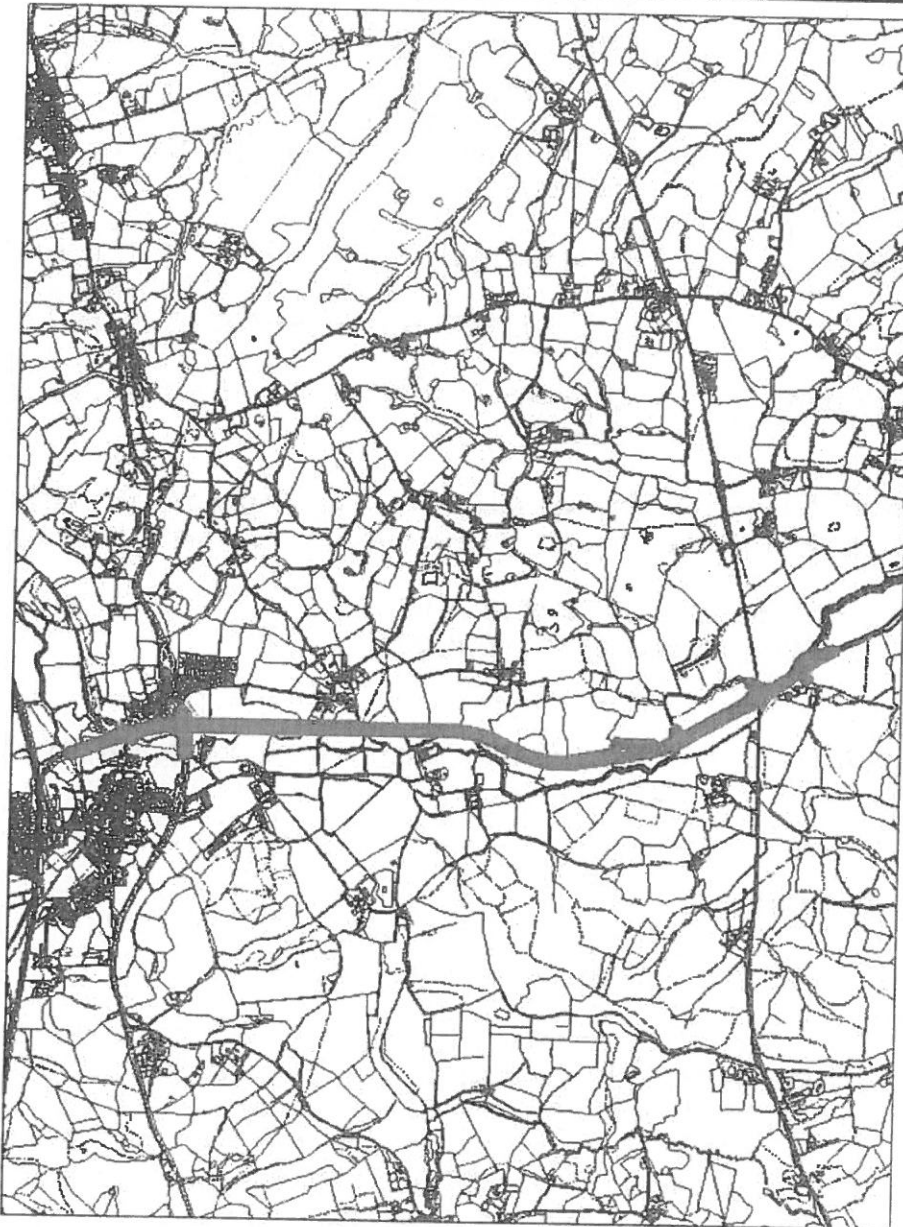
A – Report to Planning Committee dated 16 March 2017.

SITE PLAN

Salehurst / Roberstbridge, Bodiam, Ewhurst

RR/2014/1608/P

Northbridge Street, Robertsbridge to Junction
Road, Bodiam



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Not To Scale

RR/2014/1608/P

**SALEHURST/ROBERTSBRIDGE, EWHURST.
Rother Valley Railway, Northbridge Street,
Robertsbridge to Junction Road Bodiam.**

**Re-instatement of railway between Northbridge
Street, Robertbridge to Junction Road Bodiam.**

Applicant: Mr G Crawley (on behalf of the Rother Valley Railway).
Agent: None.
Case Officer: Mr M Cathcart (Tel: 01424 787613)
(Email: mark.cathcart@rother.gov.uk)
Parish: SALEHURST/ROBERTSBRIDGE / EWHURST
Ward Members: Councillors G S Browne, Mrs S M Prochak and A E Ganly

Reason for Committee consideration: Service Manager – Strategy & Planning referral: Major application in the AONB with environmental impact issues.

**Statutory 16 week date: 23 October 2014
Extension of time agreed to: 24 March 2017.**

This application was included in the Committee site inspection list of 7 February 2017.

1.0 POLICIES

1.1 National Planning Policy Framework (NPPF):

- 1.1.1** The government's planning policies contained in the NPPF are a material consideration in the determination of the application. The following are particularly relevant to the development proposal.
- Paragraph 17 - core planning principles for sustainable development.
 - Paragraphs 9, 17, 32, 156, and 162 – transport.
 - Paragraph 115 and 116 - protection of the Area of Outstanding Natural Beauty (AONB).
 - Paragraphs 17, 113, 117, 118 deal with the bio-diversity and the need to protect wildlife and habitats.
 - Paragraphs 14, 17, 94, 99-108, 156, and the Technical Guidance covering flood risk.
 - Paragraphs 7, 16-17, 18-22, 156, 160-161, and 174 set out the importance of economic development.
 - Paragraphs 23-27 and 28 cover tourism policies.

1.2 The Rother District Local Plan (2006)

- 1.2.1 Following the adoption of the Rother Local Plan Core Strategy many of the Local Plan (2006) policies have been superseded. Saved policies are those not listed in Appendix 1 of the Core Strategy. Those retained and relevant in respect of this proposal include Policy EM8.

Policy EM8:

An extension to the Kent and East Sussex Steam Railway from Bodiam to Robertsbridge, along the route identified on the Proposals Map, will be supported, subject to a proposal meeting the following criteria:

- (i) it must not compromise the integrity of the floodplain and the flood protection measures at Robertsbridge;*
- (ii) it has an acceptable impact on the High Weald Area of Outstanding Natural Beauty;*
- (iii) it incorporates appropriate arrangements for crossing the A21, B2244 at Udiam, Northbridge Street and the River Rother.*

This policy can continue to be afforded weight by decision takers (Paragraph 215 of Annex 1 to The Framework).

1.3 The Rother Local Plan Core Strategy

- 1.3.1 The Rother Local Plan Core Strategy contains the following relevant policies:

- Policy OSS1 overall spatial development strategy
- Policy OSS4 general development considerations
- Policy RA2 general strategy for the countryside
- Policy RA3 development in the countryside
- Policy EC1 fostering economic activity and growth
- Policy EC6 tourism activities and facilities
- Policy EN1 landscape stewardship
- Policy EN3 design quality
- Policy EN5 biodiversity and green space
- Policy EN6 flood risk management
- Policy EN7 flood risk and development
- Policy TR1 management and investment in strategic accessibility
- Policy TR2 integrated transport
- Policy TR3 access and new development.
- Policy TR4 car parking.

1.4 The Development and Site Allocations Local Plan

- 1.4.1 The 'Options and Preferred Options' version of the Development and Site Allocations Local Plan (DaSA) has been published for public consultation. The DaSA will form the second part of the Council's new Local Plan and develops the spatial strategies and core policies set out in the Core Strategy. It reviews existing site allocations and development boundaries and, at this stage, puts forward options and preferred options for allocating specific areas of land for particular uses in line with the development provisions of the Core Strategy. Because the DaSA is in its very early stages it carries limited weight as a material planning consideration. The DaSA does, however, recognise the on-going work at Robertsbridge Station in implementing planning permission RR/2012/1357/P, and the advanced state

of this current planning application RR/2014/1608/P (which has included significant technical work in relation to the highway crossings, environmental issues and flood risk matters) and the significant commitment of the Rother Valley Railway Ltd (RVR) to pursue the scheme; consequently, the proposal in the DaSA is that a positive policy is retained to support the continued allocation for the re-instatement of a railway link from Robertsbridge to Bodiam along its original route. The proposed DaSA policy is RVR1.

2.0 SITE

- 2.1 Historically the Kent and East Sussex Light Railway was created in the early 1900's and operated a freight and passenger service between Headcorn in Kent to Robertsbridge mainline station. Much of the freight served the farming community carrying produce from the Rother Valley and beyond to the mainline station and the urban areas. The railway closed to regular passenger services in 1954. Freight services continued until sometime after, finally closing around 1961.
 - 2.2 In more recent years a section of the original line has been reconstructed and operates as a heritage steam railway between Tenterden and Bodiam (about 17 km). This operates principally as a historic steam railway, tourist attraction and leisure facility.
 - 2.3 A short section of newly laid track has been constructed at Robertsbridge, from the station and terminating at Northbridge Street. At the station the newly laid track has been joined to the mainline under agreements with Network Rail. The RVR has made considerable investment in developing infrastructure in accordance with planning permission RR/2012/1357/P.
 - 2.4 The application site relates to the reinstatement of approximately 3.5 km of the former Kent and East Sussex Railway between the B2244 Junction Road, Bodiam and Northbridge Street Robertsbridge. The linear line of the application site runs east – west along its original route following close to the River Rother, which would be crossed by the railway in two locations, and passing south of the settlement of Salehurst. The former track bed is still evident along the eastern stretch - appearing now as a low embankment which has been colonised by vegetation; the western half however has almost entirely disappeared and now comprises predominantly a mixture of arable and pastoral agricultural land.
-

3.0 HISTORY

- 3.1 RR/94/1184/P Reversion of land back to use as railway (change of use of land back to use as railway): Robertsbridge Station to Northbridge Street & from, Bodiam Station westwards to River Rother – Approved.
- 3.2 RR/2005/836/P Change of use of land back to use as railway: Bodiam Station - land west to River Rother and Robertsbridge Station, north-eastwards to Northbridge Street – Approved.

- 3.3 RR/2009/114/P Change of use of land 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 - Approved.
- 3.4 RR/2012/1357/P New Edwardian heritage railway station including station building, platform, sidings, signal box, water crane, water tower, carriage shed, engine shed and ancillary works: land at Robertsbridge Station – Approved – the development has commenced but is not fully implemented.
-

4.0 PROPOSAL

- 4.1 The application is for the construction of approximately 3.5 km of single track railway line on the alignment of the former railway between Northbridge Street, Robertsbridge and the B2244, Junction Road , Bodiam/Ewhurst (close to Udiam Farm). The proposed new section of track is the 'missing link' that would allow trains on the Kent and East Sussex Railway to run the full distance between Tenterden in Kent and Robertsbridge, East Sussex. This would link-up with the mainline railway line at Robertsbridge Station.
- 4.2 In addition to the reinstatement of the railway line, there would also be additional associated works required, including three level crossings (on Northbridge Street, (C18), Robertsbridge; the A21, Robertsbridge by-pass; and the B2244, Junction Road, Bodiam); two footpath/bridleway crossings; two new railway bridge crossings over watercourses, and operational track infrastructure, such as signalling. Moreover, the proposals include a new halt (minor stopping place) built alongside the track to serve the settlement of Salehurst, and also, a short section of double-track railway to be located next to the western side of the B2244, that would serve as a passing-loop for trains travelling in opposite directions
- 4.4 The land on which it is proposed to construct the railway falls outside the applicant's ownership. Three separate land owners are involved and they have been served the statutory notice under the planning applications procedure.
- 4.5 An Environmental Statement has been provided with the application. This assesses the wider strategic implications of the scheme, including the economic and social analysis; the economic cost of traffic delays arising from the new level crossings on the three roads; road traffic reports; and a flood risk analysis report; as well as an examination of the alternative options. The ES together with the background reports cover landscape and visual impact, ecology and nature conservation, water quality, hydrology and hydro-geology; archaeology and cultural heritage.
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5.0 CONSULTATIONS

5.1 Bodiam Parish Council:

"...requests that any lighting be approved by the local authority".

5.2 Ewhurst Parish Council:

5.2.1 No comments received.

5.3 Salehurst/Robertsbridge Parish Council:

5.3.1 *"The Parish Council's (PC) considerations of this application have regard to the strength of local opinion; whilst this may not in itself be a planning consideration, it is nonetheless very important. About 240 comments on the application have been submitted to the RDC website - an unprecedentedly large number for a planning application in this village. Opinion is divided locally, with a lot of support for the scheme, but also a lot of objection.*

Flooding remains a major concern in the parish and the PC could not support any application that made any part of the parish worse or at greater risk of flooding. The PC would wish to see the TOTAL funding for the proposed enhancements to the flood defences ASSURED, (not merely scheduled and subject to possible Environment Agency budget constraints), before any approval of the application is granted, and a condition ensuring that the flood defence enhancements should be completed BEFORE any work started on the proposed railway embankments.

There is a great deal of concern among local residents regarding the safety of the three road crossings, but the PC recognises that the legal and technical matters are subject to scrutiny and agreement of experts from the relevant authorities, with ultimate approval required by the Office of the Rail Regulator, and that a Transport & Works Act Order and /or Level Crossing Order from the Secretary of State for Transport is required before the proposed level crossings can be built or operated. The PC would wish to see this requirement backed up by a Planning Condition.

The PC is sceptical of the claim within the application that no additional parking provision would be required, believing that realistically, some visitors would arrive by car. Robertsbridge already has a big problem with parking, particularly in the residential areas near the station where it is exacerbated by commuters not wanting to pay the high charges in the station car park, so any increase is considered unacceptable. A full Parking Review is desperately needed but we are assessed as low priority (safety criteria) by the County Council, so after many years Robertsbridge remains low down on the priority list, and as no account is taken of how long a problem has existed, condemns us to never getting anything done. However, a full review could be commissioned if self-funded; could a contribution from the applicant be considered/negotiated towards the cost of a full review?

Regarding rights of way, the PC has concerns about ease of access on bridleway 36 and questions whether the gates would need to be closed for 12 months of the year, even when the railway is not operating. The PC supports the comments of the Rights of Way (RoW) Officer at East Sussex County Council (Matthew Harper, email to RDC dated 15th August 14)

regarding crossing points, design and procedures for any necessary diversions, and would welcome the further discussions between the applicant and RoW that he has suggested.

Finally, the PC is very concerned about the lack of effective communication between the applicant and the landowners and would like to see RDC somehow encourage or facilitate this, in order to move forward. The PC recognises the concerns and implications faced by the landowners, and finds any prospect of Compulsory Purchase deeply unpalatable; endeavours must be made to avoid this".

5.3.2 An additional general comment has been received in response to the submitted Environmental Statement Addendum:

The Parish Council feels somewhat concerned that there are now no proposals to improve the flood defences. The PC does not have the expertise to judge whether the revised plans and the new FRA modelling provides effective protection from flooding or not, therefore we would wish the EA to be completely satisfied on all protection criteria. The PC looks forward to seeing the EA's response. The PC also notes that two parcels of land near the roundabout on the A21 seemingly would be severed by the railway, without any access (assuming access from the A21 itself is not appropriate) - the PC would want to see appropriate access arrangements agreed for all such cases before any permission is granted.

5.4 Highways England (formerly the Highways Agency):

Directs conditions to be attached to any planning permission which may be granted.

The Highways Agency (HA) on behalf of the Secretary of State for Transport is responsible for managing and operating a safe and efficient Strategic Road Network (SRN) i.e. the Trunk Road and Motorway Network in England. To ensure this we assess proposals affecting the SRN carefully to ensure that any safety or capacity issues are properly assessed and mitigation provided where required. As per our comments in the local plan we do not in principle support installation of level crossings on our network. We are working with Network Rail to remove them for safety reasons and to relieve obstructions to the free flow of traffic.

We have previously directed that the planning approval should not be granted for the reinstatement of the RVR line and in particular the installation of a level crossing over the A21 trunk road, until we have had the opportunity to review the further details requested from the promoters in the HA letter to Rother DC, dated 14 August 2014 and detailed in letters to Mr Hart at Rother Valley Railway dated 05 December 2013 and 20 May 2014. This holding direction is due to expire on 30 March 2015 and to date we have not received the full information we requested. However as we change to become a new organisation called Highways England we are no longer permitted to issue holding directions and have to issue you with a final response.

We would have preferred consideration of other options such as a bridge across the A21. However we do appreciate that the limited nature of a level

crossing for a heritage railway will have less of an impact than a crossing for a main line railway.

If you are minded to grant permission for the reinstatement of the line we direct the attached conditions to be included in the grant of such permission.

We should also mention that we have not carried out any assessment of the impact on air quality of traffic queuing at the level crossing and you should satisfy yourselves that this is not an issue in this location"

The requested conditions would cover:

- Construction of temporary A21 construction site access.
- Submission of a construction traffic management plan.
- Restriction on delivery times to the construction site from the strategic road network.
- Traffic queue length monitoring to be carried out by the developer.
- Level crossing operational maintenance plan.
- Level crossing design and departure from standard.
- Restriction on level crossing operating times (the movement of trains shall only be permitted outside the morning and evening peak periods (rush-hours) essentially outside 07.00 – 09.00 for the morning period and 17.00 – 19.00 for the evening period).
- Requirements in respect of Insurance cover.
- Safety Auditing.

5.5 Highway Authority:

The Highway Authority would wish to impose conditions/obligations on the developer in the event that planning permission is granted. Comments include the following:

"B2244 Junction Road Level Crossing:

Junction Road is classed as a Rural, Main Distributor road and connects the A21 (in the south) with the East Sussex / Kent boundary (to the north). This section of road has a relatively straight alignment and is conducive to vehicles travelling in excess of the existing Speed Limit.

Given the Highway Authority's response to the proposed Level Crossing on the A21, it would prove difficult for this highway authority to formally object to the impact of the proposal on the local highway network. It is therefore considered that associated road safety schemes should be included as part of any proposed Level Crossing installation.

Given the characteristics of Junction Road it is necessary that consideration is given to an associated traffic calming scheme to help reduce speed of vehicles on the approaches to the Level Crossing. It is envisaged that this will include a Speed Limit Review.

I would therefore wish to recommend that any proposed Level Crossing on the B2244 is accompanied by an agreed traffic calming scheme with the Road Safety and Transport Development Control Implementation Teams at East Sussex County Council. The works would then be delivered through a Section 278 Legal Agreement which would need to include a bond which

indemnify this highway authority from any legal action involving the use of the level crossing and cover any potential cost of the complete removal and reinstatement of existing surfaces in the event that the RVR ceases to operate.

C18 Northbridge Street Level Crossing:

The C18 is considered as part of the local highway network and is classed as a Secondary Distributor rural road. The C18 provides the connection between Robertsbridge Centre with the A21 to the north.

To remain consistent to the approach suggested above (for the B2244), it is again, considered necessary to undertake a review of Northbridge Street and accompany any Level Crossing proposal with a suitable traffic calming scheme to help mitigate the impact of the development.

I would therefore wish to recommend that any proposed Level Crossing on the C18 is accompanied by an agreed traffic calming scheme with the Road Safety and Transport Development Control Implementation Teams at East Sussex County Council. The works would then be delivered through a Section 278 Legal Agreement which would need to include a bond which indemnify this highway authority from any legal action involving the use of the level crossing and cover any potential cost of the complete removal and reinstatement of existing surfaces in the event that the RVR ceases to operate.

Robertsbridge Centre:

Concerns have been raised locally regarding the potential impact that this development will have on the centre of Robertsbridge, particularly with regard to on-street parking.

These concerns are shared by this highway authority and therefore would wish to ensure that a Travel Plan is included as part of any proposal. Specifically, the Travel Plan should review the existing car parking within the High Street, Northbridge Street, Station Road and associated streets.

If the proposed development is shown to have an adverse impact on the existing situation then it is considered appropriate for the applicant to fund mitigation measures contained within the Travel Plan and agreed in advance with this highway authority.

Construction Traffic:

I acknowledge that Construction Traffic does represent a concern for local residents. This highway authority is keen to ensure that this development does not have an adverse effect on the existing highway infrastructure and therefore request that a Construction Traffic Management Plan is submitted to and agreed with ESCC prior to the commencement of works to be secured by a relevant planning condition

5.6 Environment Agency:

[NB Brief background note - the EA is concerned with matters relating to (i) the impact of development on the floodplain and (ii) bio-diversity. Previously

(24 August 2014), the EA commented on the application in relation to biodiversity alone and raised an objection to the proposal on the grounds of lack of survey information. Following the receipt of further details and technical discussions with the Rother Valley Railway the EA has submitted further comments. The further comments relate to both floodplain issues and biodiversity and are set out below]:

We have reviewed documents submitted in support of the planning application. While we no longer object to the proposal, we recommend conditions are put in place to manage the remaining risks that this development poses.

We have reviewed the latest Flood Risk Assessment and the Addendum to the Environmental Statement and we wish to raise some important considerations and recommendations.

Our previous response drew attention to Circular 06/2005 relating to biodiversity and geological conservation, which, in paragraph 99 states that "ecological surveys . . . should only be left to coverage under planning conditions in exceptional circumstances". As we stated, it is for the Council to decide whether circumstances relating to this proposal are classed as 'exceptional'. If this is the Council's decision, we will work with Rother Valley Railway and the Council to review ecological surveys that are needed and any mitigation or compensation that are required.

We consider that the impacts on biodiversity can be mitigated by planning conditions and, taking the County Ecologist's analysis into account, we do not wish to object on grounds of ecological surveys. However, the Council should note that it is possible that necessary mitigation will require works to be undertaken outside the red line boundary of the development.

We are satisfied that the updated baseline flood model has been undertaken to the required standards. This flood model represents the existing flood risk situation, without the railway in place.

As part of the submitted Flood Risk Assessment, flood modelling has also been undertaken to include the reinstatement of the railway embankment and associated bridges (viaducts) and culverts. This is termed the 'with railway' model and represents the flood risk post development. We have reviewed how the railway embankment has been represented within this model, but still need to review how the structures have been implemented now that further design details have been submitted.

We have reviewed the updated Flood Risk Assessment (FRA), dated June 2016. The updated modelling does identify that there are minor increases in flood depths for the 1% plus climate change event for the 'with railway' model which are mostly within modelling tolerances. In accordance with the NPPF, mitigation is required for any increase in flood risk and the post development scenario should show no impact on flood risk or a reduction compared on the baseline scenario. We recommend that conditions are put in place to manage this risk.

The new design incorporates 45 circular culverts and 4 rectangular culverts to allow flood water to flow through the railway embankment and sections of the embankment that have been lowered to allow flood flows. These

structures will need to be maintained by the applicant over the lifetime of the scheme.

We do require further design details to satisfy the riverine ecology and flood risk will not be impacted but we understand that design adjustments are feasible if necessary and as such we would recommend that this is dealt with through planning conditions.

If the Council is minded to grant planning permission bearing in mind the above considerations, we recommend that the following conditions are included:

Conditions summarised:

1. Ecology Survey condition
2. Buffer zone condition
3. Ecology Management Condition
4. Environmental Method Statement Condition
5. Protected Species condition
6. Bridge design condition
7. Flood Risk Condition
8. Flood defence integrity condition
9. Flood plain storage compensation
10. Preliminary Risk Assessment Condition
11. Verification Condition
12. Piling Condition

5.7 Southern Water Services:

Comment that there are presently public sewers on the site and in the event that planning permission is granted it is requested that a condition is attached the effect that the developer must advise the local planning authority (in consultation with Southern Water) of the means which will be undertaken to protect or divert the public sewers and water mains on the site, prior to the commencement of development.

5.8 ESCC Ecologist:

The response is based upon the additional information submitted in the Environment Statement Addendum (ESA), a meeting with the applicants on 6 July and a telephone conversation with the applicants' ecologist. The County Ecologist has expanded upon her comments as follows:

1. *The scheme design has been amended to address issues raised by the Environment Agency with regards to flood risk. The amendments include a reduction in height of the embankments and a number of revisions to the basic design of the watercourse crossings, including a new crossing (Bridge 22) and changes from box culverts and single pipe culverts to multiple bore pipes. Some of these revisions have implications for potential impacts on protected species, most notably water vole and otter.*
2. *The Environment Statement Addendum (ESA), November 2016, addresses these revisions and provides outline recommendations for mitigation. These outline recommendations are considered acceptable*

based on the precautionary approach of assuming the worst case scenario.

3. *The ESA also provides clarification with regards to the impact assessment process and addresses the issues raised in my memo of 06/11/15. It is accepted that considerable effort has been put into collating the best possible information available given the restricted access and that best practice has been followed.*
4. *Likely impacts have been adjusted to address a likely increase in badger numbers and the presence of a wider suite of bird species, including some listed on Schedule 1 of the Wildlife and Countryside Act.*
5. *From the information available, it is considered likely that the impacts of the scheme on biodiversity can be mitigated. However, a robust mitigation strategy will need to be based on up-to-date survey information once access to the site is possible. It is therefore recommended that a Grampian condition is applied whereby no work can take place until sufficient surveys have been undertaken to allow a full assessment of the likely impacts on biodiversity and agreement of appropriate mitigation, compensation and enhancement.*

The response concludes:

"In summary it is recommended that the application can be supported from an ecological perspective, with a Grampian condition whereby no work can take place until sufficient surveys have been undertaken to allow an assessment of the likely impacts on biodiversity and appropriate mitigation, compensation and enhancement".

5.9 ESCC Rights of Way Team:

No comment.

5.10 ESCC Archaeology:

Recommends that specified archaeological conditions are imposed in the event that planning permission is granted. Received comments include the following:

"The proposed development is situated in close proximity to a number of Archaeological Notification Areas defining medieval settlement and activity. The application's Environmental Statement contains a very comprehensive Historic Environment chapter, and in general I agree with the assessments of potential for each period, although for most periods the potential is actually undefined due to a low level of past archaeological research in this area of East Sussex. The majority of the proposed works will be within the corridor of the former railway which is likely to have already impacted earlier remains, however there are proposed impacts outside this corridor which have the potential to disturb as yet unidentified below ground archaeological remains.

Surprisingly the assessment does not discuss the very high potential for archaeological remains relating to the 19th century railway itself, which will

need to be archaeologically recorded as part of the mitigation process, potentially at some considerable cost to the project budget.

The proposal runs in close proximity to the Scheduled Monument defining Robertsbridge Abbey, and therefore English Heritage will need to be consulted on this application in relation to visual impact. In the light of the potential for loss of heritage assets on this site resulting from development the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded. These recommendations are in line with the requirements given in the NPPF.

5.11 Natural England:

Comments include the following (summarised):

Statutory nature conservation site:

No objection. Based on the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

Protected landscapes:

Having reviewed the application Natural England does not wish to comment on this development proposal.

Protected species:

Natural England indicates that its published Standing Advice provides advice on deciding if there is a 'reasonable likelihood' of protected species being present (European Protected Species – EPS). Comments also indicated that a licence may be required from Natural England - which is the developer's responsibility, in the event that the development affects EPS.

Local Sites:

Natural England point out that if the application site is on, or next to, an identified local nature site, the authority should ensure it has sufficient information to fully understand any impacts of the proposal on the local site – *[the application site is not on or next to such a site in this case and the ES assessment judges that any such sites are sufficiently distant from the route for there to be no significant effect from the scheme].*

Impact Risk Zones for Sites of Special Scientific Interest – SSSI's:

Natural England indicates that it has published a set of mapped Impact Risk Zones which can be used by developers to consider whether proposed development is likely to affect an SSSI and whether they will need to contact NE on the potential impacts and how this can be mitigated – *[the application site is over 6km from the nearest SSSI's in this case and the ES assessment judges that these sites are sufficiently distant from the route for there to be no significant effect from the scheme].*

Natural England has been re-consulted on the Addendum to the Environmental Statement (ESA) and comments that – *"The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal"*.

5.12 High Weald AONB Unit:

Summary: This states that due to limited staff resources it has not been possible to visit the site; however, the site has been examined by looking at high quality mapping data and geographic information. The comments point out that the landscape assessment contained within the Environmental Statement has concentrated on the visual impact on the AONB, and incorporates less of an analysis of the scheme in relation to the key landscape components contained in the AONB Management Plan. Overall the comments do not raise an objection in principle. The comments can be viewed in full on the application website.

5.13 Historic England:

Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

5.14 Service Manager – Community and economy – Environmental Health:

No comments received.

5.15 Sussex Police:

"...crime protection advice is not relevant on this occasion".

5.16 Planning Notice:

5.16.1 Planning Notice: Objections: 79 letters/emails: the main points can be summarised as follows:

Traffic

- Would result in the creation of a rat run through the village by those seeking to avoid delays caused by a level crossing on the A21.
- Inconceivable that most visitors would arrive by train to the main line station; this will result in parking chaos.
- Robertsbridge is a historic village of narrow streets with existing chronic parking issues
- I fear that parking and traffic issues would also affect Salehurst; there is already insufficient parking capacity for the customers of "The Salehurst Halt" and at times visitors to the Church.
- The proposed railway extension would benefit a few but penalise so many more. Robertsbridge is congested enough at times already and the increased traffic would make this worse.
- Increased traffic in the village will be detrimental to highway safety – with children particularly at risk.
- RVR is only supplying 10 spaces, suggesting that the station car park is used for other cars - how many people are going to be prepared to pay for parking in addition to the high fares charged on Steam railways?
- RDC is proposing 155 new houses for our village which could see up to 300 additional cars on our congested roads. The local village survey conducted by the Parish Council saw 50% of respondents stating that a Highway's review of the village roads/parking was a high priority.

A21 crossing

- The A21 is one long accident black spot and the addition of a level crossing can do nothing whatsoever to improve its record and will no doubt impede the movement of emergency vehicles at possibly critical times.
- Network Rail has closed and is continuing to close hundreds of level crossings across the national network for safety reasons, which makes this proposal to construct one for a "hobby" railway to satisfy the wishes of enthusiasts and superannuated railwaymen unbelievable.
- The crossing will increase delays on the already congested A21.
- The Office of Rail Regulation (ORR) is the independent regulator for Britain's rail industry and their website states the following (last updated 24 April 2014): *"Statement on level crossings by Ian Prosser, ORR's Director of Safety - Great Britain's level crossings, although among the safest in Europe, pose a significant rail safety risk to the public. ORR wants the rail industry to close level crossings. In addition the aims of the ORR are that, other than in exceptional circumstances, no new level crossings on any railway therefore creating no new risks. The Office of Rail Regulation's (ORR) annual safety report published on 22 July 2014 states: "... £100m made available to close level crossings. - ...to ensure that there is no compromise on safety."*
- If the planning application is approved the Planning Committee would be ignoring the advice and warnings of risks from the national regulators of railways as the extension of a line for tourism cannot constitute an exceptional circumstance. Adding three new level crossings would also be contrary to ORR's policy to close level crossings. The installation of level crossings must by default, automatically increase risk on the roads as no matter how much care is taken in designing a level crossing, there cannot be zero risk to individuals, vehicles or animals.
- The Government refused to allow this section of track to reopen in the 1970's because of the two roads it had to cross; it now has three, one of which is an 'A' road, and traffic has significantly increased since that time.
- There are various 'anomalies' throughout the applicant's 'Traffic Impact Study'; it is suggested that the information given is extremely biased, inaccurate or out of date.
- There currently are plans underfoot to dual the A21 further north, between Pembury and Tonbridge, to ease traffic congestion and improve the highway. To implement these proposals, land was acquired under blight, including the proposed demolition of a Grade II listed farmhouse, barn and curtilage buildings. It seems ludicrous to attempt to ease congestion on the A21 further north, for it to only build up again further south due to a non-commercial railway crossing. Have we already lost sight of how much the highway improvements to the A21 at Robertsbridge and its bypass cost the public purse?
- I have lived in this village for over 40 years; I am very concerned about the level crossings on the A21 and Northbridge St. Today I monitored the traffic for 2 hours, approximately 975 vehicles per hour going south and 800 going north. The A21 is a very busy road and there will be tail backs up to nearly the top of Silver Hill.
- The barrier on the level crossing has been quoted as being down for 51 seconds. This cannot be practical. Traffic for safety reasons will need at least 1 if not 2 minutes for the crossing to be down prior to the train. So

the calculation of 17 minutes in total for the day is really 85 minutes. The impact on the road will be massive and has been under calculated.

- In his letter the applicant say that the delay at the A21 level crossing will be between 56 and 112 seconds, less than a twentieth than at Flimwell traffic lights. Whether true or not, this is still an unnecessary, additional delay for drivers. He also says that the RVR crossings will ONLY operate during the tourist season as if this is a good point! It is when the roads are the busiest of course and the report by Mott McDonald was not even carried out in the tourist season. He also compares the A21 with the A2100 which is has nowhere near the same volume of traffic.

Flooding

- There are grave concerns as to the impact of the proposal on the delicate hydrology of the Rother flood plain. A railway embankment along the valley bottom parallel with the river will inevitably reduce the water holding capacity of the flood plain below Robertsbridge with a consequent risk to the village.
- Having spent such huge sums of money in pursuit of flood defences for the village it would seem perverse to threaten it by allowing this development.
- Increased flood risk - We believe that in layman's terms the principle of 'No building on a flood plain' should be followed. This is in line with the National Planning Policy Framework March 2012 which states that 'planning authorities should apply the precautionary principle to the issue of flood risk'. Rother's own policy states that 'It must not compromise the integrity of the floodplain and the flood protection measures at Robertsbridge.'
- We are lucky enough to have a £3million+ flood defence scheme for which we are enormously grateful and which has already proved itself highly effective over the last 10 years and we do not want to see the integrity of the flood plain or the flood defences compromised in any way.
- Why could it not be built on a stilts/pillars/viaduct construction with continuous bridges so there is less effect on the flow of the flood water and far less water displacement? Why have such alternative construction methods not been considered?
- Whilst I am broadly supportive of this project, I believe this application to be premature; I was heavily involved in the aftermath of the serious flooding of the village in 2000 and I am seriously concerned about the additional risk that will be imposed by the creation of an embankment through the flood plain. I think that a planning decision should be delayed until such funding is assured or, at the least, if permission is granted it should be with a restriction such that no work should start until the funding for the increased flood defences and the appropriate planning agreements for them are in place.
- The RVR proposal is based on their flood risk assessment. It is inaccurate because they have not been given access to the land to survey it properly and their flood event criteria - a 1:100 year flood event - does not meet the East Sussex Local Flood Risk Management Strategy that all flood defences should be done on a 1:200 year flood event.
- The flood risk assessment, shows that my home, a Grade II* listed building, will be at increased risk of flooding in the 1:100 year risk (the

1:200 year risk, having not been mentioned). In addition there is no mention of the flood risk to Redlands Lane, which flooded constantly requiring a 1 mile walk over footpaths to be able to get into the village etc...This is not conducive to my job as a Consultant Physician at a local hospital, nor for the other residents in this part of Redlands Lane.

- The FRA concludes that there would be significant flood risks as a consequence of loss of floodplain and restriction on water flows.
- The proposed extension would remove about 6.2 hectares of land from the floodplain.
- It has not been possible to ascertain the actual height and width of the proposed railway embankment.
- The NPPF requires that local planning authorities in determining applications should ensure that flood risks are not increased elsewhere.
- There is concern that the proposals are being advanced on the basis of mitigation that has not been assessed, might not receive funding, and without evidence that it would be effective.
- In his letter the applicant says that the Environment Agency has agreed to put enhanced flood protection works in their 2016-17 budget; this is not correct as it is merely being considered at this stage.

Landownership

- (As one of the land owners affected) we would wish to point out that we have no agreement whatsoever with RVR for them to take possession of the land should they be successful, and I would anticipate that no agreement will be forthcoming.
- (A further land owner comments:) the track would pass through Moat Farm; there are four generations of my family living on this farm and we all object to the reinstatement of this line.
- We have owned and farmed Moat Farm since 1946; it is still a working farm and our livelihood, and from the beginning we have objected to the proposed plans and I will never willingly sell any part of the farm.
- Safety issues regarding livestock are a problem – horses, cattle and sheep graze the fields which would be dissected by the railway. Whilst it may be possible to fence it off from them, there are a considerable number of deer in the area which are not so easily excluded.
- The re-instatement of the line will also have a detrimental impact on the finances and operational efficiency of my farming business. The greater part of the land under the proposed route is under arable cropping which necessitates the use of large machinery to ensure efficient production. The scheme would not only remove valuable agricultural land on a permanent basis but render a far greater area of land adjacent to the railway uneconomic for arable production. Furthermore, some areas, due to likely problems with access, and the small size of the parcels of land in which we would be unable to operate machinery will become uneconomic to farm in any respect. This renders them worthless, again causing immediate and ongoing financial cost.
- The thought of possible compulsory purchase of pieces of land on the proposed route is particularly objectionable, especially at the behest of a single group of "toy" railway enthusiasts, more so when the land in question is food producing farming land, farmed by the same family for many generations.

Amenity:

- We do not accept that there will be little or no effect on noise and air pollution levels during the operational phase. If the planned reinstatement goes ahead this will mean that in the summer, up to 14 times a day, many cars and lorries will be forced to wait close to residential housing with their engines running for several minutes at a time.
- The fences will become a trap for rubbish thrown from the train by passengers.

AONB:

- The Rother Valley is an AONB. The railway would be an ugly scar running through this very beautiful landscape. Doubtless the presence of the line would also necessitate other eyesores...drains, embankments, fencing and warning notices to mention a few.
- One of the objectives of the High Weald AONB Management Plan (FH1) is to secure agriculturally productive fields in the High Weald; the proposal is contrary to this.

Bio-diversity:

- There is an abundance of wildlife which will be seriously affected if the proposed line happens; including nesting buzzards, kestrels, sparrow hawks, barn owls and tawny owls.
- The development will destroy what has become an important wildlife habitat.
- There are two active badger setts on the disused line, which would be destroyed.
- Three European Protected Species are identified as being probably present: great crested newts, dormice and bats; a licence is required in order to carry out any works that involve interfering with these species; the Council must have regard to the Habitats Directive (Regulation 9 (5) of the Habitats Regulations) and the derogation tests; if they are mindful to approve the application is a licence likely to be granted.
- The application does not comply with the licensing advice published on Natural England's website. Therefore the Committee will need to decide whether granting planning permission would offend against Article 12(1) of the Habitats Directive.
- The applicants only used a desk-top study and remote viewing to assess the habitats to be assessed. This does not conform to the standard methodology advocated by Natural England in respect of protected species.
- Otters and water vole are known to be present; both rely on healthy wetland habitats and cannot tolerate disturbance or noise.
- There is a complete absence of habitat survey.
- Insufficient information has been submitted in relation to the impact on ecology so that not all material matters can be assessed.

Economy:

- RVR's own report admits that there will be no significant economic benefit to Robertsbridge yet we are asked to put up with 2 years construction and then on-going problems when it's operational.
- The economic benefits have been grossly exaggerated.
- The line that was ripped up in the 1960s because it wasn't wanted; it is not wanted now.

- It is interesting that many of the supporters of the plans don't live near Robertsbridge.
- I think this planning application should be put to a public enquiry for the EA, Robertsbridge residents and the A21 road users, motoring organisations, big businesses that receive their goods in Hastings, Bexhill etc. to express their opinions.
- Some people are suggesting that 'the economic and social benefits are projected to be very substantial', however, RVR's report suggests that at best it may lead to 14 new jobs, and RVR's own planning application states that they only anticipate 7 jobs - neither figure can really be considered substantial.
- The existing railway has not brought any tangible economic benefits to Northiam, Bodiam or Wittersham Road.
- Robertsbridge unfortunately has nothing to offer tourists using the railway.
- RVR research shows a gradual decline in visitor numbers using the K&ES Railway over the past ten years.
- What will happen to the development if visitor numbers continue to decline?
- The impact on Hastings is likely to be negative as the A21 is the main access to the economic hubs of the Southeast and beyond.
- The Local Economic Impact Statement - seems to imply that the vast majority of the economic benefit will be in Tenterden and Bodiam, and not Robertsbridge or Salehurst. Much of the £10 million revenue talked about is not dependant on the extension of the line, but revenue already generated.

Other

- I find comments regarding the unconfirmed purchase of 2.2 acres of marshland by Rother Valley Railway from Mr Meyer that is outside the Local Plan boundary, has no vehicular access to it and is next to Robertsbridge Parish Council's Pocket Park for use as a railway car park not relevant to the current application as it is not included or documented by Rother Valley Railway in their application so should be disregarded.

Other respondents:

A21 Reference Group, Rt Hon Greg Clark MP; and Amber Rudd MP: object to the proposal stating that, the A21 is the main trunk road between the M25 and the south coast providing a key strategic route linking Hastings, Bexhill, Tunbridge Wells and Tonbridge and has been recognised as vital to coastal regeneration around Hastings. In 2008, the A21 Reference Group comprising all the Kent and East Sussex MP's covering the A21 between the M25 and Hastings, Council Leasers and Chief Executives, plus heads of local health and regeneration bodies, was formed to campaign to reduce traffic congestion on this road and reduce the time to travel on it with great success. Work has started on duelling the A21 between Tonbridge and Pembury and the Bexhill-Hastings Link Road is due to be completed by next spring. The next stage is duelling the A21 between Kippings Cross and Lamberhurst. Building a level crossing on the A21 which would interrupt traffic movements would, therefore, run completely counter to this strategic process and be extremely unwelcome.

Sussex Wildlife Trust: Concludes that RDC has a duty as a public body, under section 40 of the NERC Act 2006, 'in exercising its functions, (to) have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. We ask RDC to consider whether the information provided is adequate to assess this application to be sure it is properly determined. If it is deficient, as we believe it to be, then we would recommend that the application is rejected until deficiencies have been remedied.

(The full text can be viewed on the application website. No further comments have been received pursuant to the Addendum to the ES).

Further comments received in response to the Environmental Statement Addendum and amended plans:

Eleven further letters of objection. The grounds include those already summarised above and the following additional points:

- The revised flood risk assessment is flawed in many ways.
- What happened to the proposal to raise the flood defences where the water was expected to overtop the defences in Robertsbridge?
- It is absurd to say that you can lower water levels by as much as 400mm behind the flood defences without either increasing the height of the flood defences or allowing the water to escape the 'bottle neck' by more or larger culverts under the A21.
- In the report's Executive Summary paragraph 5, it clearly states that there will be 'others experiencing potential increases in flood levels of up to 50mm.
- Their own report admits that the integrity of the flood plain will be compromised; also, FRA maps: B1, B2 and B3 show that in these flood events the properties of Redlands Farmhouse, Redlands Barn and Redlands Buildings will be at greater risk of flooding in a 'with railway' scenario. As the owners of these properties we are extremely concerned about the increased flood risk.
- The flood-maps contained in the FRA are too small and show in insufficient detail how properties are likely to be affected.
- There is insufficient information in the FRA about how land up-stream and down-stream from the application site would be affected from changes in flood levels.
- The Environmental Statement has changed little from the original and as it is a desktop study it is of little relevance. Many protected species have been found at Moat farm and it would require a comprehensive study to determine what affect the railway would have on this valuable wildlife area.

Two additional letters of objection from have been received from:

- (i) The occupiers of Parsonage Farm, (A H Hoad and Sons);
- (ii) The occupiers of Moat Farm Cottage.

Both are owners of land affected by the proposed railway. The letters are attached in full in the APPENDIX DOCUMENT together with a letter from Bircham Dyson Bell acting for the owners of Parsonage Farm.

B – Planning permission RR/2014/1608/P.



Application No. RR/2014/1608/P

Decision Date: 22 March 2017

Town and Country Planning Act 1990

PLANNING PERMISSION

AGENT/APPLICANT:

Mr G Crawley
Robertsbridge Junction Station
Station Road
Robertsbridge
East Sussex
TN325DG

APPLICANT

Mr G Crawley
Robertsbridge Junction Station
Station Road
Robertsbridge
East Sussex
TN325DG

DESCRIPTION:

Reinstatement of the Rother Valley Railway from Northbridge Street, Robertsbridge, to Junction Road, Bodiam.

LOCATION:

Rother Valley Railway Northbridge Street, Robertsbridge to Junction Road, Bodiam.
Salehurst/Robertsbridge, Ewhurst, Bodiam

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 five 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). Five years is considered appropriate for the commencement of the development in this case because of the requirement to apply for a TWA Order and carry out work to satisfy planning conditions, including a number of pre-commencement conditions.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. Plan B - 2, dated October 2016
Drawing no. Plan B - 3, dated June 2016
Drawing no. Plan B - 4, dated October 2016
Drawing no. Plan B - 5, dated June 2016
Drawing no. Plan B - 6, dated October 2016

Profile: drawing no. RVR-G-001 Rev C, dated 13 June 2016
Profile: drawing no. RVR-G-002 Rev B, dated 13 June 2016
Profile: drawing no. RVR-G-003 Rev B, dated 13 June 2016
Profile: drawing no. RVR-G-004 Rev B, dated 13 June 2016
Profile: drawing no. RVR-G-005 Rev B, dated 13 June 2016
Profile: drawing no. RVR-G-006 Rev B, dated 13 June 2016
Application for planning Permission Vol I: ref Engineering/GSC/618 Vol I
Application for planning Permission Vol II: ref Engineering/GSC/618 Vol II
Application for planning Permission Vol III: ref Engineering/GSC/618 Vol III
Application for planning Permission Vol IV ref Engineering/GSC/618 Vol IV
Application for planning Permission Vol V ref Engineering/GSC/618 Vol V as
Amended by Flood Risk Assessment, dated June 2016
Application for planning Permission Vol VI comprising Environmental Statement in four
volumes:
Vol 1. Non-technical report
Vol 2. Main statement
Vol 3. Technical and supporting reports
Vol 4. Figures
Environmental statement Addendum, dated November 2016

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in
Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

- 3 Ecology Survey condition: No development shall take place until a further detailed site-specific ecological assessment, carried out by suitably qualified and experienced ecologists has been submitted to and approved in writing by the Local Planning Authority. The assessment must employ best practice and should include, but not be limited to:
- a) surveys of the proposed development site as well as its immediate surroundings
 - b) identifying and evaluating existing ecological features including any key species, including protected species, invasive species, and habitats
 - c) precise recommendations for minimising negative impacts and maximising net biodiversity gains through habitat management, enhancement, creation of compensatory habitat and habitat restoration.

Reason: Notwithstanding the acceptability of the precautionary assessment undertaken to date, further site-specific surveys are required to refine the detail of the measures to ensure the protection of legally protected species and supporting habitat under UK legislation, the Wildlife and Countryside Act 1981 (as amended), and European legislation, the Conservation of Habitats and Species Regulations 2010. To secure opportunities for the enhancement of the nature conservation value of the site in accordance with Paragraphs 99, 109 and 118 of the National Planning Policy Framework and Policy EN5 of the Rother Local Plan Core Strategy. A pre-commencement condition is required to ensure that safeguards are put in place prior to any initial groundworks taking place.

- 4 **Buffer zone condition:** the track shall not be brought into use until a scheme for the retention and management of a buffer zone, to be at least 8m wide between the top of the railway embankment to the top of the riverbank has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include:

- a) plans showing the extent and layout of the buffer zone;
- b) details of any proposed planting scheme (for example native species of local provenance);
- c) details of a management plan for the lifetime of the scheme including adequate financial provision and a named body responsible for its delivery;
- d) details of methods to be implemented should river bank repair works be required to maintain the width of the buffer strip. This must not include installation of sheet steel piling in the river;
- e) details of any proposed footpaths, fencing, lighting (fitted with back scatter guards to prevent light from being cast on the river) etc.; and
- f) an implementation programme.

The scheme shall be implemented as approved.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Paragraphs 99, 109 and 118 of the National Planning Policy Framework and Policy EN5 of the Rother Local Plan Core Strategy. To ensure the objectives of the River Basin Management Plan (required by the Water Framework Directive, as transposed into English law by the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003) are being and can be delivered.

- 5 **Ecology Management Condition:** No development shall take place until a landscape and ecology management plan and monitoring strategy, including long-term design objectives, management responsibilities and maintenance schedules and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The plan must deliver the recommendations of the approved site-specific ecological surveys carried out in accordance with condition 3 and contain details of:

- a) the extent and type of any new planting (for example native species of local provenance)
- b) maintenance regimes
- c) any new habitat created on site
- d) management responsibilities.

The management plan and monitoring strategy shall be implemented as approved.

Reason: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in accordance with Paragraphs 99, 109 and 118 of the National Planning Policy Framework and Policy EN5 of the Rother Local Plan Core Strategy. A pre-commencement condition is required to ensure that measures are put in place to protect biodiversity during the initial groundworks stage of the development.

- 6 Construction Environmental Management Plan: No development shall take place until a construction environmental management plan (CEMP), that is in accordance with the approach outlined in the submitted Environmental Statement, has been submitted to and approved in writing by the Local Planning Authority. Such plan shall be carried out by suitably qualified and experienced persons/bodies and shall deal with the treatment of any environmentally sensitive areas, their aftercare and maintenance as well as detailing how the environment will be protected during the works. The CEMP shall include details of the following:
- a) the timing of the works including timings to avoid harm to environmentally sensitive areas or features and the times when specialist ecologists need to be present on site to oversee works;
 - b) the measures to be used during the development in order to minimise environmental impact of the works;
 - c) the ecological enhancements as mitigation for the loss of any habitat resulting from the development;
 - d) a map or plan showing habitat areas including the river buffer zone to be protected during the works with proposed means of protection.
 - e) any necessary mitigation for protected species;
 - f) a detailed method statement for removing or the long-term management / control of invasive non-native species;
 - g) construction methods and a risk assessment of potentially damaging construction activities; and
 - h) all necessary pollution prevention methods.

The method statement/construction environmental management plan shall be implemented as approved. Elements of this condition are required due to the presence of Japanese knotweed (*Fallopia japonica*) at Bridge 6.

Reason: To ensure the protection of legally protected species and supporting habitat under UK legislation, the Wildlife and Countryside Act 1981 (as amended), and European legislation, the Conservation of Habitats and Species Regulations 2010. To secure opportunities for the enhancement of the nature conservation value of the site in accordance with Paragraphs 99, 109 and 118 of the National Planning Policy Framework and Policy EN5 of the Rother Local Plan Core Strategy. A pre-commencement condition is required to ensure that measures are put in place to protect biodiversity during the initial groundworks stage of the development.

- 7 Protected Species condition: In the event that the further site-specific assessment, including survey, referred to in condition 3 identifies populations of any protected species, no development shall take place until a plan detailing the protection and/or mitigation of damage to the population(s) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved.

Reason: To ensure the protection of legally protected species and supporting habitat under UK legislation, the Wildlife and Countryside Act 1981 (as amended), and European legislation, the Conservation of Habitats and Species Regulations 2010. To accord with Rother Local Plan Core Strategy Policy EN5.

- 8 **Bridge design condition:** No development shall commence on bridges until detailed drawings showing the siting, design and external appearance of all bridges (including mammal paths or tunnels) have been submitted to and approved by the Local Planning Authority. The bridges shall be constructed in accordance with the approved drawings prior to being brought into use.

Reason: To ensure that the bridges do not restrict the flows in the River Rother and that riparian mammals have sufficient passage to migrate through the river corridor. To accord with Rother Local Plan Core Strategy Policies EN5 and EN6.

- 9 **Flood Risk Condition:** No development shall take place until such time as a scheme to ensure any increase in flood risk is appropriately managed by providing appropriate mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. All mitigation measures should take into account the flood risks over the lifetime of the development. They shall be implemented in full before the railway is brought into use.

Reason: To ensure that the proposed works will not increase flood risk elsewhere and take account of climate change in accordance with paragraph 99, 100 and 103 of National Planning Policy Framework. The proposal to change part of the existing flood embankment to a flood wall has not yet been modelled. This must be incorporated into the post development 'with railway' model. Following submission of new details on the associated bridges and culverts forming part of the scheme, the implementation of these structures within the 'with railway' flood model need to be reviewed. The applicant should demonstrate that the proposed bridges and culverts are set at appropriate levels to convey flood flows. Demonstration of sensitivity to culvert blockages is necessary to confirm the degree to which maintenance is required. Scour protection should be considered to ensure that the integrity of the railway embankment is maintained following a flood event, along the sections that will be allowed to overtop. A pre-commencement condition is necessary to secure these objectives.

- 10 **Flood defence integrity condition:** No development shall take place until a working method statement to cover all works to/close to flood defences and over/under and in the vicinity of the main river has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall cover the following requirements:

- a) timing of works
- b) methods used for works
- c) machinery (e.g. location and storage of plant, materials and fuel)
- d) temporary works (e.g. access routes, temporary bridges, site compound etc.)
- e) protection of existing flood defences
- f) site supervision.

The working method statement shall be implemented as approved.

Reason: To ensure that the construction phase of the works will not affect the integrity of flood defences in this area in accordance with of Policy EM8 of the Rother District Council Local Plan (2006) and the works do not affect The environment Agency flood defence improvement and maintenance works.

The proposal incorporates a replacement of an existing flood embankment to a flood wall. The present and future integrity must be demonstrated to give assurance that people will not be put at risk of flooding. For the above reasons a pre-commencement condition is necessary.

- 11 Flood plain storage compensation: No development shall take place until a satisfactory scheme for compensatory flood storage has been submitted for the consideration and approval of the Local Planning Authority in consultation with the Environment Agency. The applicant will need to demonstrate that there will be no loss of floodplain storage post development with any loss of floodplain storage to be compensated for on a volume by volume, level by level basis and in a suitable location. The approved scheme shall be implemented at the same time the development approved in the application takes place and shall be completed before the railway is brought into use.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided. To accord with Policy EN7 of the Rother Local Plan Core Strategy.

- 12 Preliminary Risk Assessment Condition: Notwithstanding the acceptability of the precautionary assessment undertaken to date, prior to the commencement of the development approved by this planning permission (or such other date or stage in the development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- (a) A further risk assessment which has identified;
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- (b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: The site lies on the Alluvial deposits overlying Ashdown Formation. The Alluvium is classed as a Secondary Aquifer and the Ashdown Formation is classed as Secondary A aquifer in terms of the amounts of water it can yield for supply and its ability to provide baseflow to surface water to supply aquatic ecology. The area is therefore sensitive in terms of groundwater protection. The aquifer may be vulnerable to pollution from any contaminants present at the site. The submitted Preliminary Land Quality Risk Assessment report (November 2013) recommends further investigation be carried out to areas firstly by a second stage including data gathering and updating the site conceptual model to determine whether it will be necessary to carry out an intrusive investigation. We concur with these recommendations.

- 13 **Verification Condition:** No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: The site lies on the Alluvial deposits overlying Ashdown Formation. The Alluvium is classed as a Secondary Aquifer and the Ashdown Formation is classed as Secondary A aquifer in terms of the amounts of water it can yield for supply and its ability to provide baseflow to surface water to supply aquatic ecology. The area is therefore sensitive in terms of groundwater protection. The aquifer may be vulnerable to pollution from any contaminants present at the site.

- 14 **Piling Condition:** Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: The site is located within a sensitive area in terms of groundwater protection area and the previous uses of the site may have impacted on the quality of the underlying aquifers. This condition is therefore requested in order to ensure that the proposed foundations do not pose a risk to the underlying aquifers and the local potable water supply which abstracts groundwater directly from the chalk aquifer underlying this site. This should be constructed in accordance with Environment Agency guidance; Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention and Piling into Contaminated Sites. The guidance is available on the Environment Agency website. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at

unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF paragraph 121)

- 15 **A21 Construction Site Access:** No part of the development hereby permitted shall be commenced until a site access drawing is submitted to and approved by the Local Planning Authority, who shall consult with the Highways Agency on behalf of the Secretary of State for Transport. The access shall be designed and constructed in accordance with the Design Manual for Roads and Bridges and the Department for Transport Specification for Highway Works. The plans and particulars submitted in accordance with this condition shall make provision for:

- a) Access and Egress arrangements
- b) Vehicle turning on site.
- c) Security arrangements fencing and gates
- d) The dimensions and extents of the visibility splays
- e) Construction materials for access road
- f) Temporary signs and road marking details
- g) Temporary works

Upon completion of the reinstatement of the line and level crossing the construction site access shall be removed and permanently closed off with fencing (as approved prior to commencement of the site access). The site access shall be returned to its former ground condition prior to the use of the reinstated line by rail traffic.

Reason: In the reasonable interests of road safety and to accord with Policy TR3 of the Rother Local Plan Core Strategy.

- 16 **Construction Traffic Management Plan:** No part of the development hereby permitted shall be commenced until a Traffic Management Plan (TMP) is submitted to and approved by the Local Planning Authority, who shall consult with the Highways Agency on behalf of the Secretary of State for Transport. The TMP shall provide details of at least the following:-

- a) Number of daily and hourly lorry movements
- b) Routeing of vehicles, including details of roadside signs erected to direct or control construction related vehicles travelling to or from the site
- c) Measures to deal with dust and debris nuisance
- d) Scheme proposals for wheel washing and road cleaning
- e) Planned diversion routes during construction
- f) Arrangements throughout the construction period whereby the public may communicate with the contractor.

Construction works shall only be carried out in accordance with the approved Traffic Management Plan unless otherwise agreed in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport).

Reason: In the reasonable interests of road safety and to enable the road network to continue to operate without unreasonable delay in accordance with section 10 of the Highways Act 1980.

- 17 **Delivery times:** No deliveries to the construction site shall be made from the Strategic Road Network except between the hours of 09.00 and 16.00 Mondays to Fridays inclusive or between the hours of 08.00 and 13.00 on Saturdays, or as otherwise approve in advance in writing by the Local Planning Authority. No deliveries shall be made via public roads on Bank or Public Holidays, unless otherwise approved in advance and in writing by the Local Planning Authority.

Reason: To ensure that the A21 trunk road continues to be a safe and effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, particularly during peak hours and to accord with Policies OSS4 and TR2 of the Rother Local Plan Core Strategy)

- 18 **Queue Length Monitoring:** The developer shall be required to monitor queue lengths for a period of three years from the opening date of full opening. If in the reasonable opinion of the highway authority the queues are exceeding those predicted on a regular basis then the operator will be required to install a system of automated advanced warning signs on the highway to advise drivers of queues ahead.

Reason: In the interests of road safety to ensure that actual queues and delays are consistent with those predicted by the applicant and on which safety assessments were made. Also, in accordance with section 10 of the Highways Act 1980 and to accord with Policies OSS4 and TR2 of the Rother Local Plan Core Strategy.

- 19 **Level Crossing Operational Maintenance Plan:** No works shall commence on site until an Operational Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport). The Plan should indicate the frequency of routine maintenance expected to safely operate the level crossing. It shall also provide details of the traffic management proposals and any alternative diversion routes proposed during the periods of maintenance.

The Operational Maintenance Plan shall also address Emergency Procedures in the event of a serious failure in the level crossing equipment and make provision for rapid response to deal with any such emergency.

All Operational Maintenance shall be programmed to comply with the Highways Agency's procedures for third party works to the Strategic Road Network. All costs shall be met by the level crossing owner and or operator.

The Plan is to be reviewed on an annual basis with the Highways Agency, local highway authority and any other interested parties to discuss the previous year's operations and to inform the development of the next year's management plan.

Reason: To ensure that the A21 trunk road continues to be a safe and effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

- 20 **Level Crossing Design & Departures from Standard:** No part of the development hereby permitted shall be commenced until a design drawing is submitted to and approved by the Local Planning Authority, who shall consult with the Highways Agency on behalf of the Secretary of State for Transport. The plans and particulars submitted in accordance with this condition shall be sufficiently developed to outline design standard in accordance with the Design Manual for Roads and Bridges, the Department for Transport Specification for Highway Works and the ORR design guide to indicate requirements in respect of any Departures from Standard.

Reason: In the interests of road safety to ensure that the level crossing design is in accordance with the relevant standards.

- 21 **Restrictions on the Level Crossing Operating Times:** Movement of trains across the A21 shall only be permitted outside of the morning and evening peak travel times which, for the purposes of this condition are 07.00 - 09.00 for the morning period and 17.00 to 19.00 for the evening period. Such periods shall apply from Monday to Friday and also apply to bank holidays.

Reason: To ensure that the A21 trunk road continues to be a safe and effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, particularly during peak hours.

- 22 **Requirements in respect of Insurance (trunk road):** The owners and or operators of the crossing shall at all times maintain sufficient insurance cover to permit complete removal of the crossing installation and reinstatement of existing surfaces in the event that the Rother Valley Railway or other owner or operator of the level crossing ceases to operate. Such policy shall be produced on request by the Local Planning Authority or relevant highway authority. The owners and or operators shall maintain adequate insurance at all times to indemnify the Secretary of State or relevant highway authority from any legal action involving the use of the level crossing. Where the Secretary of State or highway authority is made a party to any action to support such action as the Secretary of State or highway authority may take in that action and recover the costs of doing so from the owners or operators of the crossing. Such policy shall be produced on request by the Local Planning Authority or relevant highway authority.

Reason: In order that the Secretary of State or relevant highway authority is suitably indemnified from any future costs associated with the crossing.

- 23 **Safety Auditing:** The owner and or operator of the level crossing shall carry out Stage 3 and Stage 4 Road Safety Audits in accordance with the Design Manual for Roads and Bridges at the relevant point in time. Any subsequent recommendations made for road safety reasons shall be implemented by and financed by the level crossing owner and or operator.

Reason: To ensure that the impact on road safety is as predicted prior to installation and to address any safety issues which may arise. To ensure compliance with the requirements for safety within the Design Manual for Roads and Bridges.

- 24 The developer shall be required to provide sufficient insurance cover for: the crossing installation on the non-trunk roads to allow complete removal and reinstatement of existing surfaces in the event that the Rother Valley Railway ceases to operate.

Reason: To indemnify this highway authority from any legal action involving the use of the level crossing and from any future costs associated with the crossing.

- 25 The proposed introduction of Level Crossings on both the B2244 (Junction Road) and the C18 (Northbridge Street) will be subject to associated traffic calming schemes, including a Speed Limit Review, being agreed with this Highway Authority. Any proposed works on the existing highway network will be subject of the full Road Safety Audit process and should be carried out in accordance with our Implementation and Road Safety Teams.

Reason: In the interests of highway safety and to accord with Policy TR3 of the Rother Local Plan Core Strategy.

- 26 A full Travel Plan for the proposal, in accordance with East Sussex County Council guidance, is required prior to the development being brought into use, and this shall have regard to existing car parking limitations, within Robertsbridge. The details of the Travel Plan can, however, be adequately secured by Section 106 agreement so that a final Travel Plan is agreed prior to opening of the RVR and should contain detailed proposals to address the on-street car parking concerns.

Reason: In the interests of highway safety, sustainability, and to safeguard the efficiency of the existing transport network. Also, to accord with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

- 27 No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 28 The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 27 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

- 29 Southern Water has advised that public sewers and water mains cross the site; details of measures to be undertaken to protect or divert the public sewers and water mains on the site shall be submitted for the consideration of the Local Planning Authority (in consultation with Southern Water) prior to the commencement of any works affecting such a facility. The development shall only be carried out in accordance with the approved details.

Reason: To accord with the requirement of Southern Water Services and maintain the integrity of the sewerage infrastructure.

- 30 The development shall only be carried out in accordance with the submitted Environmental Statement and Addendum and the mitigation and enhancement measures detailed and in accordance with the requirements of the conditions attached to this permission.

Reason: To mitigate for the environmental impacts of the development and to conserve and enhance the natural and local environment in accord with the Rother Local Plan Core Strategy Policies OSS4, SRM1 and EN5.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTES:

- 1 This permission may include 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 may be unlawful and 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 £28.00 for each request for householder developments and £97.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website www.rother.gov.uk/planning.
2. The planning application development is one that requires EA as it falls under Schedule 2 Category 10d (Infrastructure projects: Construction of Railways) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011,

and is likely to have significant effects on the environment due to its location, characteristics and size. The proposed development is therefore 'EIA development' for the purposes of the EIA Regulations. In accordance with Regulation 3, the planning authority has first taken the environmental information into consideration, prior to its decision to grant planning permission for the development.

INFORMATIVES

ARCHAEOLOGY

1. In furtherance of this condition, the County Archaeologist is able to advise the applicant on how they can best fulfil any archaeological condition that is applied to their planning permission and to provide a brief setting out the scope of the programme of works.
It is expected that the written scheme of investigation will confirm the action to be taken and accord with the relevant portions of the East Sussex County Council document Recommended Standard Conditions for Archaeological Fieldwork, Recording and Post- Excavation in East Sussex (Development Control) (2008) including Annexe B.

HIGHWAYS ENGLAND

2. This development involves work to the public highway that can only be undertaken within the scope of a legal Agreement between the applicant and the Secretary of State for Transport. Planning permission in itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained. Advice on this matter can be obtained from the Asset Delivery Manager, Highways England Bridge House, Walnut Tree Close, Guildford, GU1 4LZ Email ha_info@highways.gsi.gov.uk Tel: 0300 1235000.
3. This development involves work to the public highway which will require a review in respect of safety of both the level crossing construction works and the provision of temporary access for site construction purposes. It is a requirement of the Design Manual for Roads and Bridges Standard HD 19/03 for Road Safety Audits carried out on the Strategic Road Network to have the audit brief and audit team CV's approved by the HA in advance of the audit being undertaken. The audit brief shall reference any Departures from Standard which must be agreed with the Highways England BEFORE the Safety Audit is carried out.
4. Highways England and its successors do not intend to carry out any works or adopt any infrastructure associated with the proposed development. Should any works or adoption subsequently be required the costs associated with this will be sought from the applicant. The applicant should be aware that this will also attract a commuted sum towards future maintenance in accordance with DfT financial policy. This commuted sum is payable in advance and can sometimes be substantial.

HIGHWAY AUTHORITY (ESCC)

5. This development involves work to the public highway that can only be undertaken within the scope of a Legal Agreement between the applicant and this Highway Authority. Planning permission in itself does not permit these works. It is the applicant's responsibility to ensure that before commencement of any works to the public highway, any necessary Agreements under the Highways Act 1980 are also obtained.

EUROPEAN PROTECTED SPECIES

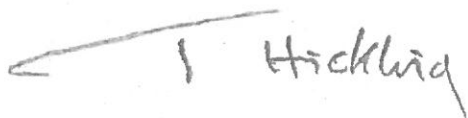
6. The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found and these should be sought before development commences.

This planning permission does not authorise any interference with animals birds, marine life, plants fauna, and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation. Further advice on the requirements of these Acts is available from Natural England, Sussex and Surrey Team, Phoenix House, 33 North Street, Lewes East Sussex BN7 2PH

PUBLIC FOOTPATHS & BRIDLEWAYS

7. This planning permission does not authorise any interference with, or disturbance of, any private right of way which crosses the site. If a diversion or stopping-up of a right of way is required this must be resolved between the parties concerned.

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.



Service Manager - Strategy and Planning

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES (Applications for planning permission, listed building consent and conservation area consent only)

If either the local planning authority or the Secretary of State for Communities and Local Government refuses permission to develop land or grants it subject to conditions or if a listed building consent or conservation area consent is refused, or granted subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council, in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 or as the case may be Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

COMPENSATION (Applications for planning permission, listed building consent and conservation area consent only)

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Parts IV and V of the Town and Country Planning Act 1990 or as the case may be Section 27 of the planning (Listed Buildings and Conservation Areas Act) 1990.

GENERAL NOTES

1. Attention is drawn to Section 35(2) of the East Sussex Act 1981 regarding means of access to a building for the fire brigade. The effect of which in relation to the erection or extension of a building is to require adequate means of access for the fire brigade and to ensure such works will not render inadequate any existing means of access for the fire brigade to a neighbouring building.
2. Attention is drawn to Sections 4, 7, 8 and 8a of the Chronically Sick and Disabled Persons Act 1970, to the Code of Practice for Access for the Disabled and to Design Note 18 – all of which relate to the provisions to be made for access for the disabled.
3. This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or regulation other than the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTES RELATING SPECIFICALLY TO APPLICATIONS FOR LISTED BUILDING CONSENT AND CONSERVATION AREA CONSENT

Attention is drawn to Section 8 (2) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of any consent granted by the local planning authority) until notice of the proposal has been given to the National Monuments Record Centre, The Engine House Fire Fly Avenue, Swindon, Wiltshire SN2 2EH and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.

