

Report to: Lead Member for Transport and Environment

Date of meeting: 16 June 2025

By: Director of Communities, Economy and Transport

Title: Transport and Works Act Agreement - Rother Valley Railway

Purpose: To seek authority to enter into 2 Transport and Works Act Agreements with Rother Valley Railway to allow agreed works to take place on the adopted public highway.

RECOMMENDATION: The Lead Member is recommended to approve the use of the Transport and Works Act Agreements to secure the highway works associated with the reinstatement of the Rother Valley Railway.

1 Background Information

1.1. The Transport Development Planning (TDP) team at East Sussex County Council (ESCC) generally utilises Section 278 Agreements, under the Highways Act 1980, in order to manage development related highway works. The County Council's Scheme of Delegation provides delegated authority for authorised officers to enter into such agreements. The proposal in this report concerns development related highway works, which are not to be agreed under Section 278 of the Highways Act, and therefore delegated authority does not exist for agreeing to enter into this alternative agreement.

1.2. The proposal in this case is to secure the highway works relating to the Transport and Works Act Order granted by the Department for Transport (DfT) for the reinstatement of a railway line from Bodiam to Robertsbridge Junction, which involves the installation of 2 level crossings over Junction Road, Bodiam and Northbridge Street, Robertsbridge.

1.3. A third level crossing will be built over the A21 (Robertsbridge Bypass), but this will be agreed with National Highways as they control this section of the A21.

2 Supporting Information

2.1. Planning permission for the scheme was applied for in 2014 under planning application reference: RR/2014/1608/P. Permission was granted by Rother District Council on 22 March 2017.

2.2. In addition to the Planning Permission, due to the nature of the works an Order needed to be granted by the Secretary of State for Transport under the Transport and Works Act 1992. This was applied for in April 2018.

2.3. The Order would allow Rother Valley Railway to reinstate a section of railway track, linking to existing sections of track that would complete the rail link between Bodiam and Robertsbridge Junction.

2.4. The Order would provide statutory authority to construct the new railway and maintain the new and existing lengths of track as a heritage railway from Robertsbridge Junction to Bodiam, where it would join the existing heritage railway to Tenterden. The Order, if granted would also authorise the crossing of the public highway in a number of locations.

2.5. The Order would also authorise the acquisition of land and rights over land and the temporary use of land in connection with the railway, in case it is not possible to acquire the necessary interests by agreement.

2.6. A Public Inquiry for the proposed Order was held between 6 July 2021 and 4 August 2021 and 2-3 September 2021. Subsequently the Planning Inspector issued their report in January 2023 and in May 2023 the Secretary of State for Transport approved the Order and published notice of its determination. The Order was made on 12 July 2023 and came into force on 2 August 2023.

2.7. As the Transport and Works Act Order authorises Rother Valley Railway to construct level crossings over the public highway, it is not considered that a standard Section 278 agreement, for agreeing the details of the work, is appropriate in this case.

2.8. Bespoke agreements, albeit substantially similar to the Section 278 standard, have been agreed with Rother Valley Railway to ensure the works are undertaken to the appropriate agreed design by a suitable contractor and the Roads Safety Audit process is followed. The full extent of the works on the County Council's network are the 2 level crossings (Junction Road, Bodiam and Northbridge Street, Robertsbridge) and their associated signage.

2.9. It should be noted that the standard bond/surety provisions usually contained in Section 278 agreements have been omitted due to the powers granted to Rother Valley Railway through the Order under the Transport and Works Act.

2.10. Due to the bespoke nature of these agreements, they are not covered by the County Council's Scheme of Delegation to officers. They therefore need approval from the Lead Member before the agreements can be entered into.

3 Conclusion and Reasons for Recommendations

3.1. In order to allow the legal agreements securing the highway works to be entered into, and due to the unique nature of the development and approval of the Transport and Works Act Order by the Secretary of State for Transport, the Lead Member is recommended to approve the use of the Transport and Works Act Agreements to secure the highway works associated with the reinstatement of the Rother Valley Railway..

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LOCAL MEMBERS

Cllr Paul Redstone

BACKGROUND DOCUMENTS

- Rother Valley Railway (Bodiam to Robertsbridge Junction) Order inspector's report
 - <https://assets.publishing.service.gov.uk/media/6465054b0b72d300133446d5/rother-valley-inspectors-report.pdf>
- Rother Valley Railway (Bodiam to Robertsbridge Junction) Order decision
 - <https://assets.publishing.service.gov.uk/media/645a32c3c6e8970012a0fb55/rother-valley-decision-letter.pdf>