

REGULATORY COMMITTEE

PLANNING COMMITTEE

MINUTES of a meeting of the Planning Committee held at County Hall, Lewes, on 10 December 2008.

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PRESENT- Councillor Tunwell (Chairman), Councillors Daniel, Maynard (Vice-Chairman), Ost, Stogdon, Taylor and Woodall

46. MINUTES

46.1 RESOLVED – to approve as a correct record the minutes of the previous meeting held on 5 November 2008.

47. REPORTS

47.1 Copies of the reports and documents referred to below are contained in the minute book.

48. DECLARATIONS OF INTEREST

48.1 Councillor Daniel declared a personal and non-prejudicial interest in items 5A and 8B in that he was a Member of Hastings Borough Council who had been consultees on these items.

48.2 Councillor Maynard declared a personal and non-prejudicial interest in items 5A and 5B in that he was Leader of Rother District Council. He also declared a further personal and non-prejudicial interest in item 5A in that as Leader of Rother District Council, he was a member of the steering group for the Bexhill and Hastings Task Force.

48.3 Councillor Ensor declared a personal and non-prejudicial interest in items 5A and 5B in that he was a Member of Rother District Council.

48.4 Councillor Waite declared a personal and non-prejudicial interest in items 5A and 8B in that she was a Member of Hastings Borough Council who had been consultees on these items. She also declared that she lived within a quarter of mile within the Queensway area in Hastings and was a Member of the Pebsham Countryside Park Management Board.

48.5 Councillor Forster declared a personal and non-prejudicial interest in item 5A in that he was a Member of Rother District Council.

49. CONSTRUCTION OF A NEW ROAD INCLUDING ENVIRONMENTAL TREATMENT WITH EARTHWORKS, PLANTING, FLOOD AND NOISE ATTENUATION, WILDLIFE COMPENSATION AND FACILITIES FOR NON-MOTORISED USERS. A259 BELLE HILL, BEXHILL ON SEA TO B2092, QUEENSWAY, ST LEONARDS ON SEA – RR/2474/CC(EIA)

49.1 The Committee considered a report by the Head of Planning Service.

49.2 The Committee received a tabled addendum to the report which made some amendments to the original report and inserted the views of the Highways Agency.

49.3 The Committee was advised that since publication of the report, further letters of representation had been received – Councillor Field, local Member for Battle and Crowhurst generally supported measures to relieve conditions on the A259 but raised some concerns regarding the proposed route, the need for Baldslow junction being built at the same time as the

link road and she supported a public inquiry on this application. A further letter had been received from The Friends of the Earth South East who still opposed the application, and one further letter of objection had also been received. A total of 2,593 letters of representation had been received of which 2516 were letters of objection and 77 were in support of the application.

49.4 Mr E McCall, Ms S Blackford, Ms M Upson, Mr R Boggis, Mr D Coffee, and Dr J Clark spoke in objection to the application.

49.5 Ms C Dwyer, Mr G Hewson and Mr P Adams spoke in support and on behalf of the applicant.

49.6 Councillor Forster, local Member for Bexhill East spoke raising concerns regarding the expenditure of the road and expressed concern regarding the possible future use of the Ashdown Brickworks Quarry as a possible landfill site which would become more accessible if the link road were to be approved.

49.7 Councillor Waite, local Member for Hastings - Maze Hill and West St Leonards, spoke confirming the link road would benefit those residents living in west St Leonards, however some residents were concerned about the pedestrian crossing proposed at Gillsman Hill as it was a very narrow road. She also expressed concern regarding fog and lighting in low-levelled areas along the proposed route of the link road.

49.8 Councillor Ensor, local Member for Bexhill King Offa spoke confirming his support for the link road as it would regenerate the area bringing the opportunity for additional housing and commercial benefits. However, he expressed concern at the height of the road where the pedestrian underpass at Chapel Path was proposed and requested that this is reviewed with the view to lowering the height of the road.

#### Reason for decision

49.9 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 8 of the report.

49.10 RESOLVED to approve application RR/2474/CC (EIA) subject to the completion of the following procedure and to authorise the Head of Planning;

- a) To refer the application to the Secretary of State as being contrary to certain provisions of the development plan.
- b) Upon receiving confirmation from the Secretary of State that she does not wish to call-in the application, to secure, in conjunction with the Director of Law and Personnel a satisfactory undertaking covering all the following matters:
  - 1) Proposals for the preparation and approval of a Construction Environmental Management Plan (CEMP) to be agreed before any works commence, to include detailed arrangements of the following; maintenance and management of all the landscaping areas; surface water collection arrangements; ecological mitigation and compensation areas; an archaeological/cultural heritage programme of works within the boundaries of the application site; oil and chemical storage arrangements; dust emissions and noise control; a travel plan; buffer zone to watercourses, sediment runoff containment during construction disturbance works, especially in and around water bodies; any diversion of watercourse flows to protect the water quality; measures to minimise any harm to protected species; proposals to site material stockpiles away from watercourses and control sediment runoff from material stockpiles and the provision for any runoff that may require settlement facilities; discharge from dewatering work; discharge from toilet facilities for mobile offices or compounds, and Pollution from construction vehicles: working hours and lighting details; monitoring of carbon dioxide emissions and the provision of a package of measures that reduces greenhouse gas emissions in construction – any net effect will become a commitment to be catered for under the County Council's climate

change strategy. The development shall be carried out in strict accordance with the CEMP and any amendments that may be formally agreed in writing by the Head of Planning.

- 2) Proposals for the preparation and approval of an Operational Environmental Management Plan (OEMP) to be agreed before the opening of the road which includes the detailed arrangements for the maintenance, management and monitoring of all the landscaping areas, woodland management, surface water collection arrangements and ecological mitigation, including those provided beneath the over bridges where the establishment of invasive plant species is to be avoided, and compensation areas within the boundaries of the application site, including new and existing habitats, embracing rotational management of habitats including over a 3-4 year cycle for shallow reed bed type habitats, and a 5-10 year cycle for ditches, all to be secured for the lifetime of the road, the monitoring of carbon dioxide emissions and the provision of a package of measures that reduces greenhouse gas emissions in operation – any net effect will become a commitment to be catered for under the County Council's climate change strategy. The development shall be carried out in strict accordance with the OEMP and any amendments that may be formally agreed in writing by the Head of Planning.
- 3) Proposals for an appropriate package of offsite road works and public transport improvements to be implemented within an agreed timetable. This shall be, linked to the emerging Hastings and Bexhill Local Area Transportation Strategy (HBLATS) and the Highway Agency notification of an improved Baldslow junction to the A21, to mitigate the effects of traffic impacts from the link Road and secure related improvements in bus services particularly along the A259. The package shall aim to improve the management of traffic along The Ridge, and improvements across the wider highway network comprising of, as appropriate, the signalisation of junctions and junction improvements, traffic calming measures and enhanced arrangements for pedestrians, cyclists and public transport. All such works are to be implemented within the agreed timetable.
- 4) Proposals to acquire an additional area of compensatory habitat to Marline Valley Woods SSSI, including the area outlined in red (Area A) on Figure 2 of the Marline Valley Woods SSSI–proposed compensation woodland options-revision P1 dated September 2008. Provision shall be made for its long term management and this should be agreed with the Head of Planning. This can be achieved either by a commitment to manage the site by the County Council, or, if appropriate, the provision for the transfer and management of the compensatory habitat land by an appropriate reasonable organisation, (which has first been approved by the Head of Planning) including its management as part of the Local Nature Reserve and Site of Special Scientific Interest, before the opening of the Link Road. Within 12 months of its first acquisition the management of the land shall be commenced in accordance with a plan agreed with County Planning Authority prior to the commencement of works. The plan shall show all tree planting, fencing, ditching and any other associated operations being proposed. A sum sufficient to cover the annual maintenance of the compensatory habitat shall be provided to any appropriate organisation before the Link Road opens for its ongoing management, or such arrangement for delivery as may be agreed with the Head of Planning.
- 5) The existing brick built Adams Farm Barn shown on drawing Figure Aa –Potential Replacement Roost Locations for Adam's Farm Barn revision P1 shall be relocated to the position shown on drawing Figure 1–Potential Replacement Roost Locations for Adam's Farm Barn revision P1 to provide a suitable continuing bat roost, as early as possible, and before the opening of the road. Prior to being dismantled detailed elevation and reconstruction plans shall be prepared and submitted for the approval to the County Planning Authority. The barn shall be re-erected in accordance with the approved reconstruction plans.
- 6) To enable the monitoring of the development by the County Planning Authority, District and Borough Planning Authorities and Environmental Health Departments an appropriate sum shall be provided before the commencement of any development for these specific needs which will be agreed in writing with the Head of Planning. The sum shall be calculated on the basis of providing for the additional staff time for the officers to monitor the implementation of the Bexhill Hastings Link Road. The sum shall be paid in full to the Head of Planning, Transport and Environment and shall be used solely for these purposes, including the monitoring of the works by the County Council's environmental teams to ensure compliance with conditions and schemes.

- c) Upon completion of a satisfactory undertaking covering the matters in items 1 to 6 above to authorise the Head of Planning, in conjunction with the Director of Law and Personnel to grant planning permission and agree conditions along the lines of those below for application RR/2474/CC (EIA) and to advertise the decision in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations.
- d) That the application be referred back to this Committee if the undertaking is not secured within nine months of the receipt of any decision letter by the Secretary of State not to 'call in' the application.

## SCHEDULE OF PROPOSED CONDITIONS

### Time Limit

1. The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason: To comply with section 91b) of the Town and Country Planning Act 1990, and to allow an appropriate time for land acquisition to take place and for the required schemes and details to be prepared and submitted.

### Approved plans

2. The development hereby approved shall be carried out in accordance with the following plans (save in respect of those elements shown for illustrative or indicative purposes only) subject to any minor amendments as may be agreed in writing with the Head of Planning;

208-31-01 Location Plan  
208-31-02 Planning application area  
208-31-03 Overall scheme layout  
208-31-05 Preliminary scheme layout 1 of 2  
208-31-06 Preliminary scheme layout 2 of 2  
208-31-11 Environmental design  
208-31-12 Environmental design  
208-31-13 Environmental design  
208-31-14 Environmental design

Reason: For the avoidance of doubt and to enable the County Planning Authority to control and regulate the development and to comply with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

### Illustrative Plans

3. This permission does not approve the details shown on the following illustrative plans accompanying the application.

Fig 208/31/33 Rev 0 Typical rural overbridge elevation.  
Fig 208/31/34 Rev 0 Typical rural underbridge elevation  
Fig 208/31/35 Rev 0 Railway crossing  
Fig 208/31/36 Rev 0 Typical Greenway overbridge elevation  
Fig 208/31/32 Rev 0 Typical urban overbridge elevation  
Fig 208/31/31 Rev 0 Chapel Path underbridge.

Reason: For the avoidance of doubt and to enable the County Planning Authority to control and regulate the development and to comply with Policy S1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

### Phasing

4. No development shall take place until a scheme of phasing has been submitted and approved in writing by the Head of Planning, indicating the defined phasing arrangements for the proposed construction of the Link Road. The road construction and related works shall be implemented in accordance with the phasing plan unless otherwise agreed in writing by the Head of Planning.

Reason: For the avoidance of doubt and in the interests of the rural and residential amenity of the area in accordance with Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011

### Design of Bridges

5. Notwithstanding the details already submitted, no development shall commence, except mitigation and compensation works and archaeological evaluation, until details of the design and materials for the construction of the railway crossing and all under-bridges and over-bridges, including railings, parapets, surface finishes, fencing together with the reuse of any materials salvaged from the demolished existing railway bridges, have been submitted to and approved in writing by the Head of Planning. Bridge structures over water shall include a clear span, with abutments set back from the watercourse on both banks to provide a bank width of 2 metres beneath the bridge, and a soft bank solution beneath the bridges with shade tolerant planting, as outlined in the submitted Figure 3 Indicative sketch of soft bank engineering solution Revision A dated September 2008. The bridges shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Head of Planning.

Reason: For the avoidance of doubt and in the interests of visual amenity and usability in accordance with Policy EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011. The use of clear-spanning bridges will maintain the river corridor and allow the movement of both the river and associated wildlife, minimising the loss of connectivity of habitats within this landscape, in accordance with Policy EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011, Article 10 of the Habitats Directive, and PPS9.

### Detailed schemes

6. No development, except mitigation and compensation works and archaeological evaluation, shall take place until the following detailed schemes have been submitted for the approval of the County Planning Authority of the following:
  - Details of the design and appearance of the section of the road scheme between Belle Hill at chainage 0.00 and chainage 510 at Woodsgate Park, including levels sections, and construction details of the road, Chapel Path underpass, surface water drainage, road signage, street furniture, existing and proposed landscape features and street lighting.
  - Details and specification for the retaining walls north of Ninfield Road overbridge.

Reason: In the interests of visual amenity and townscape quality of this part of Bexhill in accordance with Policy EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

### Protection of animals

7. Development shall not commence until details of a scheme for the free passage and/or protection of animals by means of highway underpasses, bridges and any other means has been submitted to and approved in writing by the Head of Planning and the link road shall not

be brought into public use until the approved scheme has been fully implemented unless otherwise agreed in writing by the Head of Planning.

Reason: To maintain appropriate access for animals in accordance with Policies S1 and EN17 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

#### Provision of Greenway and Rights of Way Links

8. The Link road shall not be brought into use until the Greenway and associated connections to the adjoining Rights of Way and permissive footways have been completed in full accordance with the approved details unless otherwise agreed in writing by the Head of Planning.

Reason: To ensure the provision of improved walking, cycling and horse riding facilities linked to the existing network of Rights of Way and permissive footpaths in accordance with Policies TR3; TR4 and TR5 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

#### Temporary construction works.

9. No development shall take place within each phase of the development until a means of vehicular construction access has been formed from a public highway in accordance with a scheme which has first been submitted to and approved in writing by the Head of Planning. The scheme shall include the location of all temporary site construction compounds and fences for all parts of the link road and access points to the public highway. The compounds and any temporary associated works shall be removed and the land restored to its previous condition within 6 months of the link road opening for public use unless otherwise agreed in writing by the Head of Planning.

Reason: In the interests of highway safety and to comply with Policy S1 (d) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

#### Wheel wash facilities

10. Development shall not commence until details of wheel washing facilities have been submitted to and approved in writing by the Head of Planning. The approved details shall be implemented in full before the commencement of development and the facilities shall be maintained in working order during the construction period and shall be used by any vehicle carrying mud, dust or other debris on its wheels before leaving the site. No vehicle associated with the development shall leave the site carrying mud, dust or debris on the wheels unless otherwise agreed in writing by the Head of Planning.

Reason: In the interests of highway safety and the amenity of the locality and to comply with Policy S1 (d) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

#### Construction hours

11. A scheme of the working hours during the construction stage linked to the phased construction of the road shall be submitted prior to the commencement of development for the written approval of the Head of Planning. Unless alternative times are specifically agreed construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 07.00 and 19.00 on Mondays to Fridays inclusive and 07.00 and 13.00 on Saturdays and not at any time on Sundays, Bank and Public Holidays.

Reason: To safeguard the rural and residential amenities in the vicinity of the site, and to comply with Policy S1 (b) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

### Construction noise levels

12. During the construction of the Bexhill Hastings Link Road noise limits between the hours of 07.00 and 19.00 Monday to Friday and 07.00 and 13.00 Saturday (inclusive) shall not exceed 75 dBLAeq, 12 hr (façade) at any residential boundary unless otherwise agreed in writing by the Head of Planning.

Reason: To safeguard the rural and residential amenities in the vicinity of the site, and to comply with Policy S1 (b) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

### Details of boundary walls and fences

13. No development shall commence, except mitigation and compensation works and archaeological evaluation before detailed plans, indicating the positions, design, materials and type of boundary walls and fences and other means of enclosure to be erected within the site, have been submitted to and approved in writing by the Head of Planning. The walls, fences and means of enclosure shall be constructed in accordance with the approved plans before the link road is brought into use and shall thereafter be retained unless otherwise agreed in writing by the Head of Planning.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

### Landscape Details

14. Before the commencement of each phase of the development, plans and full details of both hard and soft landscaping works, substantially in accordance with the details shown on planting plans 208:3:21; 208:3:22; 208:3:23; 208:3:24; 208:3:25; 208:3:26 and 208:3:27 dated April 2007, shall have been submitted to and approved in writing by the Head of Service-Planning. These details shall include:

#### Hard Landscaping

- Proposed finished contour levels at 0.5 metre vertical intervals covering all areas from back to the highway verge to undisturbed landform.
- Maximum and minimum crest heights and gradients to land form changes.
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (e.g. furniture, play equipment, etc)
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc.)
- Retained historic landscape features
- Proposals for restoration, where appropriate

#### Soft Landscaping

- Plans to a scale of 1:500 confirming detailed vegetation clearance and tree retention proposals throughout the route, to establish appropriate protection and clear boundaries on the ground, supported by detailed arboriculture recommendations for all tree surgery. All in accordance with BS 5837, 2005, Trees in Relation to Construction and BS 3998, Tree Work.
- Contour plans to a 1:500 scale indicating the levels of all the engineered landforms at 500mm intervals incorporating the Greenway, and the interface between the proposed landforms and noise attenuation fencing
  - Planting plans

- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- Implementation and maintenance programme

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

#### Implementation of Landscaping

15. All hard and soft landscape works shall be carried out in accordance with the approved details and a constructed survey plan with contours at no more than 0.5metre vertical intervals to show the finished landform shall be submitted to the Head of Planning within three months of all land grading works having been completed with topsoil finishes. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Head of Planning.

Reason: To integrate the development effectively into the surrounding environment and to comply with Policies S1 and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

#### Tree protection

16. In this condition 'retained trees' means an existing tree which is to be retained in accordance with the approved plans and particulars and paragraphs (a) and (b) below shall have effect until the expiration of five years from the completion of the development.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Head of Planning. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed, becomes seriously damaged or diseased or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Head of Planning.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and to British Standard 5837 (Trees in relation to construction) before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition, nor any fires lit, and the ground levels within those areas shall not be altered, nor shall any excavation be made, or operations carried out without the prior written consent of the Head of Planning.

Reason: For the protection of species and in the interests of visual amenity and to comply with Policies S1 (b) & (f) and EN1 of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

#### Archaeological Work

- 17 For each phase permitted under condition 4, no development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with detailed written schemes of investigation for each phase, which has been submitted to and approved in writing by Head of Planning. The programmes of archaeological works shall include the proposals in the Environmental Statement and subsequent addenda, evaluation and mitigation fieldwork, post-excavation analysis, reporting



and any post-development monitoring, and shall be carried out as approved in writing by the Head of Planning, unless otherwise agreed in writing by the Head of Planning.

A written record of any archaeological works undertaken shall be submitted to the Head of Planning within 3 months of the completion of any archaeological investigation unless otherwise agreed in writing by the Head of Planning.

Reason: In order to ensure that satisfactory arrangements are made to either preserve in situ or by record any archaeological remains on the site, in accordance with Policy S1 (j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and government policy with regard to archaeology and cultural heritage set out in PPG15 and 16.

18. Bat survey

No development shall take place until a bat survey has been undertaken of the environs of the Glovers Farm complex. If evidence is found that bats are roosting within this location, details of any necessary appropriate mitigation, including a timescale, or compensation shall be submitted for approval, in writing, to the Head of Planning. The approved scheme shall be implemented within an agreed timescale to the satisfaction of the Head of Planning.

Reason: To ensure that the ecological mitigation and compensation arrangements comply with Policies S1, EN11 and EN20 East Sussex and Brighton & Hove Structure Plan 1991 – 2011.

Waste minimisation

- 19 No works shall commence on site, except mitigation, compensation works and archaeological evaluation, until a detailed strategy and method statement, for securing and demonstrating that the amount of construction waste resulting from the development has been reduced to smallest amount possible, has been submitted to and approved in writing by the Head of Planning. The statement shall include details of the extent to which waste materials arising from the demolition and construction activities will be reused on site and demonstrating that maximum use is being made of these materials. If such reuse on site is not practicable, then details shall be given of the extent to which the waste material will be disposed of for reuse, recycling, composting or other method in accordance with the best practicable environmental option. All waste materials from the demolition and construction associated with the development shall be reused, recycled and dealt with in accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from site for final disposal in accordance with Policy WLP11 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

Maintenance of Rights of Way

20. Development shall not commence until details of the temporary measures to maintain designated and permissive Rights of Way that are affected by the construction work have been submitted to and approved in writing by the Head of Planning. All permanent crossing arrangements for Rights of Way shall be implemented before the road is open to the public unless otherwise agreed in writing by the Head of Planning.

Reason: To secure an appropriate access in the interests of the amenity of the locality and to comply with Policy TR4 (f) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

Noise control

21. No works shall commence on site, except mitigation, compensation works and archaeological evaluation, until full details of the noise attenuation arrangements to reduce traffic noise from

the Link Road, have been submitted to and approved in writing by the Head of Planning. The scheme confirms the road surface type to be used and shall show the design and height of all proposed noise barriers and the level of attenuation to be achieved. The full scheme shall be implemented before the road is open to the public in full accordance with the details approved unless otherwise agreed in writing by the Head of Planning.

Reason: In the interests of residential and rural amenity of the area and to comply with Policy S1(s) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

#### Prevention of pollution

22. Any fuel, oil lubricant and other potential pollutants shall be handled on the site in such a manner as to prevent the pollution of any watercourse or aquifer. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bunded walls of sufficient height and construction so as to contain the equivalent of 110% of the total contents of all containers and associated pipework. The floor and walls of the bunded areas shall be impervious to both oil and water. The pipes should vent downwards into the bund.

Reason: To prevent pollution to land and water and to comply with Policy S1 (g) and EN11 of the East Sussex and Brighton & Hove Structure Plan 1991 – 2011.

#### Mitigation and habitat creation scheme

23. Development shall not commence until there has been submitted to and approved in writing by the Head of Planning a detailed scheme, to include the proposals in the Environmental Statement and subsequent addenda, for mitigation and compensatory habitat creation/restoration (including connectivity between habitats) and these works shall be carried out as approved. The details of the scheme shall include:
- a) A clear statement of the purpose, aims and objectives for the scheme.
  - b) A review of the site's ecological potential and any constraints.
  - c) Description of mitigation, habitats and species appropriate for the site.
  - d) Selection of appropriate strategies for mitigation measures and creating/restoring habitats or enhancing species populations.
  - e) Selection of specific techniques and practices for establishing vegetation.
  - f) Sources of native provenance (local if possible) habitat materials (e.g. plant stock) or species individuals.
  - g) Method statement for site preparation and establishment of target features.
  - h) Extent and location of proposed works.
  - i) Links to the habitat management plan.
  - j) The personnel responsible for the work
  - k) Timing of the works.
  - l) Links to the ecological monitoring scheme.
  - m) Disposal of wastes arising from the works.

All mitigation and habitat creation/restoration works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Head of Planning.

Reason: To ensure that the ecological mitigation and compensation arrangements comply with Policies S1, EN11 and EN20 East Sussex and Brighton & Hove Structure Plan 1991 – 2011: To provide compensation and mitigation for the impact of the development on the Combe Haven Valley environment where it has a potentially severe impact on its ecological value. To meet Government policy in Planning Policy Statement 9 – "Biodiversity & Geological Conservation" (PPS9) recognising that this proposal has the potential for significant detrimental ecological effects, notably with regard to the loss of wetland habitats and connectivity of landscape and habitats. To provide two-for-one compensatory habitat

and enhancements to existing habitats and to implement proposals as soon as possible in order to allow for the movement of flora and fauna during construction, and the establishment of new habitats.

#### Habitat management plan

24. Development shall not commence until there has been submitted to and approved in writing by the Head of Service-Planning a habitat management plan for the application area and all mitigation and compensation features both during construction and then during the operation of the development for the lifetime of the road. The plan shall include:
- a) A clear statement of the purpose, aims and objectives of management.
  - b) Description and evaluation of the features to be managed.
  - c) Ecological trends and constraints on site that may influence management.
  - d) Appropriate management options for the achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) A work schedule to include a five year project register, an annual work plan and the means by which the plan will be rolled forward annually.
  - g) Personnel responsible for implementation of the plan.
  - h) Links to the ecological monitoring scheme and remedial/contingency measures that may be triggered by the monitoring.

The plan shall be carried out as approved, unless amended in accordance with the written agreement of the Head of Planning.

Reason: To ensure that the ecological mitigation and compensation arrangements comply with Policies S1, EN11 and EN20 East Sussex and Brighton & Hove Structure Plan 1991 – 2011.

#### Ecological monitoring scheme

25. Development shall not commence until there has been submitted to and approved in writing by the Head of Planning a scheme of monitoring to show the actual effects of the scheme on the ecology of the area both during construction and then during the operation of the development for the lifetime of the road. The scheme shall include:
- a) A clear statement of the purposes, aims and objectives for monitoring.
  - b) Details and justification for selection of baseline data and any changes or thresholds that, if occurring or reached, will trigger remedial measures.
  - c) Details of positive conservation targets along with any associated performance standards or success criteria that will indicate that targets have been reached.
  - d) Details of the parameters that are to be monitored along with any appropriate "indicators" for monitoring.
  - e) Methods for sampling and analysis, including the timetable and locations for field sampling.
  - f) Submission of a report on the monitoring to the County Planning Authority and at quarterly intervals from the commencement of construction works until the end of the seven year contract maintenance period and thereafter annually, or as otherwise approved in writing by the Head of Planning, including a report on actual or anticipated changes in communities or populations, the reasons for the changes and any remedial measures considered to be necessary to modify the changes.
  - g) Procedures to be put in place to enable the monitoring reports to be considered by the County Planning Authority in consultation with the developer.

Should the County Planning Authority consider that additional or different ecological remedial measures are necessary as a result of considering the monitoring report and any consultation responses under the arrangements above they shall give written notice to the developer. Within one month of receiving such written notice from the Planning Authority the

developers shall submit a scheme of remedial measures which shall include the further mitigation and/or changes to any approved mitigation schemes and/or changes to working practices and a programme of implementation for the approval of the County Planning Authority. The approved remedial measures shall be implemented in accordance with the approved scheme and programme unless otherwise approved in writing by the County Planning Authority.

Reason: To ensure that the ecological mitigation arrangements comply with Policies S1, EN11 and EN20 of the East Sussex and Brighton & Hove Structure Plan 1991 – 2011.

#### Surface water drainage

26. Development shall not commence, except mitigation, compensation works and archaeological evaluation, until a detailed surface water drainage scheme for the site, based as far as practicable on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Head of Planning. The scheme shall substantially be in accordance with the submitted drawings figures 2a; 2b; 2d; 2C dated September 2008 and be implemented in accordance with the approved details prior to the completion of the development.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the system in accordance with Policy S1 (g) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy DG27 of the Hastings Local Plan 2004.

#### Flood risk

27. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) April 2008, Bexhill to Hastings Link Road, and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  2. Provision of compensatory flood storage on / or in the vicinity of the site to a 1 in 100 year standard.
  3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
  4. Confirmation of the opening up of any culverts across the site.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, that compensatory storage of flood water is provided along with the safe access and egress from and to all parts of the site where there is a flood risk, in accordance with Policy S1 (h) of the East Sussex and Brighton & Hove Structure Plan 1991-2011 and Policy DG27 of the Hastings Local Plan 2004.

#### Contaminated ground

28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the County Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Head of Planning. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the County Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy S1(b) and S1(g) of East Sussex and Brighton & Hove Structure Plan 1991-2011.

#### Provision of a borrow pit

29. Prior to the use of the borrow pit a scheme of working and restoration of the land proposed as a borrow pit [shown on the submitted plan Drawing No 208.31.13] shall be submitted for the approval to the Head of Planning. Such scheme shall show:
- (a) the extent of the proposed phased working;
  - (b) the stages and direction of working, including any benching;
  - (c) details of the slopes and finished profiles to be created on the pit faces to facilitate the stability of adjacent land and the restoration of the site
  - (d) details of location, height and species of the specific planting to be undertaken and/or existing planting to be maintained;
  - (e) details of the location of any deposit of top soils and sub soils arising from the extraction operations, including a scaled plan at 1:500 showing the depth of the deposit at 5m contour intervals
  - (f) the stages by which the site will be restored to agricultural or wildlife amenity use; and
  - (g) the materials to be used and methods to be adopted for restoring the site.
- The approved scheme shall be implemented in full, unless a variation has been agreed in writing by the Head of Planning.

Reason: To enable the County Planning Authority to regulate and control the use of the site in compliance with Policy WLP35 of the East Sussex and Brighton & Hove Waste Local Plan 2006.

#### Telephone contact

30. Development shall not commence until details of a scheme for the provision of a telephone contact for dealing with complaints from members of the public about matters, associated with the development, have been submitted to and approved in writing by the Head of Planning. The scheme shall be operated during the hours when any work or activity in connection with that development is taking place. The scheme shall include details of the arrangements for recording and responding to complaints. The approved scheme shall be implemented in full in accordance with the approved details.

Reason: To secure the monitoring of the development in the interests of the amenity of the locality and to comply with Policy S1 (b) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

#### Notice of complaints

31. Notice in writing of any complaint made by a member of the public about any matter associated with the development shall be given to the Head of Planning no later than the next working day after the complaint was received. The notice shall include a description of the complaint, the name and address of the person making the complaint, and within three further days, the action proposed as a result, unless otherwise agreed in writing by the Head of Planning.

Reason: To secure the monitoring of the development in the interests of the amenity of the locality and to comply with East Sussex and Brighton & Hove Structure Plan 1991-2011 Policies S1 (b) and S1 (s).

#### Removal of Permitted Development rights

32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), including schedule 2, Parts 12 and 13), no signage, lighting of the carriageway, the construction of vehicle lay-bys or parking areas beside the road shall be constructed

(other than as expressly authorised by this permission) unless otherwise agreed in writing by the Head of Planning.

Reason: To enable the County Planning Authority to control and regulate the development of the land and in the interests of highway safety and to comply with Policy S1(d) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

### INFORMATIVES

1. Under the terms of the Water Resources Act 1991, and the Agency Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of Coombe Haven, Watermill Stream, Powdermill Stream and Decoy Stream, that are designated as 'main rivers'.  
The erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.
2. Under the terms of the Water Resources Act 1991, written approval of the Environment Agency is required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of sewage or trade effluent from buildings or fixed plant into or onto the ground or into waters which are not controlled waters. Such approval may be withheld. (Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters).
3. Any facilities for the storage of chemicals or oils shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Head of Planning for approval in writing. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.
4. It is expected that the written schemes of archaeological investigation will confirm the actions to be taken as set out in the Environmental Statement/Addendum and accord with the relevant portions of the East Sussex County Council document Recommend Standard Conditions for Archaeological Fieldwork, Recording and Post-Excavation work in East Sussex (version 4 dated 24<sup>th</sup> April 2008). The applicant shall ensure that finance is readily available to enable to fully fund archaeological investigation costs for this scheme, including the costs to the archaeological contractor to carry out the programme of works; the costs to an archaeological consultant or contractor to manage the archaeological works, collate material etc, which are estimated to be £220,000 for evaluation; and, if required, £1million for mitigation excavations etc and £1.5 to £2million for the potential excavation of well-preserved waterlogged site.
5. The land contamination section of the EIA is acceptable and should be protective of groundwater during development. Land contamination reports that are submitted during the detailed application stage should be carried out in line with CLR11 and Planning Policy Statement No. 23 – "Planning and Pollution Control" (PPS 23). The drainage plans for protection of controlled waters should include pollution control valves to protect the receiving water in the event of a spill onto the road.
6. The applicant is reminded of the need to obtain licences under the Wildlife and Countryside Act 1981 and of the provisions within Section 1 where it is an offence to take damage or

destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, reeds or substantial ditch side vegetation are likely to contain nesting birds at least between 1 March and 31 July. Vegetation of one or more of the above types is present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present.

7. The applicant shall establish a Local Liaison Committee prior to the commencement of the works until at least 12 months after the completion of all works, with representatives of the local community, the applicant, County Planning Authority, and other public bodies to meet at regular intervals to monitor the development and ensure that a clear information pathway and liaison mechanism is provided.

50. WORKS ASSOCIATED WITH THE CONSTRUCTION OF THE PROPOSED BEXHILL TO HASTINGS LINK ROAD, INCLUDING THE DEMOLITION OF OUTBUILDINGS AND EFFECT UPON THE SOUTH WEST CORNER OF THE GARDEN, PART OF THE QUARRY GARDEN AND SURROUNDING LAND. ADAMS FARMHOUSE, SANDROCK HILL, CROWHURST, NR BATTLE – RR/2612/CCLB

50.1 The Committee considered a report by the Head of Planning Service and an addendum was tabled with the following correction in the report:

- Para 4.4; 11<sup>th</sup> line replace 'inhabitable' with 'uninhabitable'..

Reason for decision

50.2 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report.

50.3 RESOLVED to recommend the Secretary of State to grant Listed Building Consent for application RR/2612/CCLB subject to the following conditions:

1. The works hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason: To comply with section 18 (1) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to relate to the timescale allowed for the implementation of the Bexhill to Hastings Link Road.

2. The two barns and woodshed shall only be demolished if planning permission for the Bexhill to Hastings Link Road is granted and implemented.

Reason: To ensure that the outbuildings are only demolished if the reason requiring their loss has the benefit of planning permission and its implementation is pursued.

INFORMATIVE

1. The applicant is requested to consider rebuilding Barn 1 (the red brick barn with a slate roof) in another location at Adams Farm in view of its importance as a bat roost.

51. PROPOSED NEW OAK FRAMED BUILDING TO CREATE AN I.T. CLASSROOM. NUTLEY C E PRIMARY SCHOOL, HIGH STREET, NUTLEY – WD/2742/CC

51.1 The Committee considered a report by the Director of Transport and Environment.

51.2 The Chairman advised the Committee that he had received email correspondence from the local Member expressing his full support for the recommendations in the report.

51.3 An amendment to include Saturdays in the construction working hours was proposed, seconded, voted on and lost.

Reason for decision

51.4 Members have considered the officer's report and agree with the reasons for approval set out in paragraph 7 of the report.

51.5 RESOLVED to grant planning permission subject to the following conditions:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. Construction activities associated with the development hereby permitted shall not be carried out other than between the hours of 0800 and 1800 on Mondays to Fridays inclusive and not at any time on Saturdays, Sundays, Bank and Public Holidays unless otherwise agreed first in writing by the Director of Transport and Environment.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site and to comply with Policy EN27 (2) of the Wealden Local Plan 1998.

3. Development shall not commence until the following details have been submitted to and approved in writing by the Director of Transport and Environment:
  - (a) The proposed method(s) of accessing the site and loading/unloading materials to facilitate construction of the building.
  - (b) The extent of any existing boundary fence or wall, to be removed to facilitate construction access.
  - (c) Provision for the reinstatement of any boundary wall or fence removed under section (b).The development shall be carried out in accordance with the approved details which shall be implemented in full.

Reason: To safeguard the amenities of the occupiers of properties in the vicinity of the site and to comply with Policy EN27 (2) of the Wealden Local Plan 1998.

4. Access shall be given at all reasonable times during construction work to any archaeologist, authorised by the Director of Transport and Environment, to observe the excavations and prepare archaeological records. At least three weeks notice in writing shall be given to the Director of Transport and Environment of the date when construction work is likely to start.

Reason: To allow any items of archaeological interest to be appropriately managed, and to comply with Policy S1 (j) of the East Sussex and Brighton & Hove Structure Plan 1991-2011.

5. The roof tiles to be used in the construction of the building hereby permitted shall match those used in the existing adjacent School building.

Reason: To ensure the appropriate appearance of the development in the area in accordance with Policy EN27 (1) of the Wealden Local Plan 1998.

#### INFORMATIVE

1. To applicant is requested to minimise as far as possible construction vehicle movements to and from the site during School drop-off and pick-up times, in order to reduce the potential for adverse traffic impacts arising from construction taking place alongside the normal operation of the School.



52. EXTENSION OF TIME FOR CONSIDERATION OF LEGAL AGREEMENTS RELATING TO GREYSTONE QUARRY, SOUTHERHAM, LEWES – LW/489/CM(EIA) AND LW/546/CM

52.1 The Committee considered a report by the Director of Transport and Environment

Reason for decision

52.2 Members have considered the officer's report and agree with the reasons for the extension of time set out in paragraphs 2 and 3 of the report.

52.3 RESOLVED that an extension of time be granted to 27 February 2009 to allow the completion of the Section 106 Legal Agreements relating to applications LW/489/CM(EIA) and LW/546/CM, as set out in the reports to Committee in June and July 2008 respectively. If the legal agreements are not completed, the applications should be referred back to Committee in March 2009.

53. OBJECTIONS TO PROPOSED 30MPH SPEED LIMIT IN RUSHLAKE GREEN

53.1 The Committee considered a report by the Director of Transport and Environment.

53.2 Councillor Simmons, local Member spoke expressing the concern of the local community on the style of the signage which would be used to communicate the new speed limit.

Reason for decision

53.3 The commencement point at the northern end of the village has been set in line with the commencement of the visible frontage development and will produce the highest degree of voluntary compliance from drivers.

53.4 RESOLVED not to uphold the objections and recommend that the Order be implemented as advertised.

54. OLD TOWN, HASTINGS PEDESTRIAN IMPROVEMENTS: OBJECTIONS TO: "THE EAST SUSSEX (BOROUGH OF HASTINGS) (TRAFFIC REGULATION) (CONSOLIDATION) ORDER 2007 (AMENDMENT) ORDER 2008 NO 10"

54.1 The Committee considered a report by the Director of Transport and Environment.

Reason for decision

54.2 Members have considered the officer's report and agree with the reasons for not upholding the objections to the Order set out in paragraphs 3 and 4 of the report.

54.3 RESOLVED not to uphold the objections to the proposed removal of the Residents/ Business User Permit holder bays in Courthouse Street West, Hastings; and recommend that the Order be implemented as advertised.

