Mr Tim Hickling MRTPI MCMI

Service Manager – Strategy & Planning

Rother District Council

Town Hall

BEXHILL, TN39 3JX Fao Ms K West

5 February 2020 our ref:RR/825/CM

 your ref: RR/2019/1666/CM

Dear Mr Hickling

**town and country planning ACT 1990**

**RR/825/CM - Proposed variation of Conditions 2 (Approved drawings) and 3 (Landscaping) of planning permission RR/728/CM.Land to the south of New Cut and land to the south of Solomons Lane, Mountfield. (Within land edged red on applicants plan no. JN.639669.0Z0701A)**

Under the powers delegated to me by the Governance Committee on 3 July 2012, and in accordance with the receipt of a revised signed variation to the S106 Agreement previously dated 13 March 2015 and the supplemental S106 Agreement dated 5 February 2020 and the S278 Agreement dated 20 December 2015, and the Supplemental S278 dated 5 February 2020 I  have issued a Written Notice dated 5 February 2020 authorising the carrying out of the above development. Planning Permission is now granted. A copy of the Written Notice is attached hereto.

Therefore, in accordance with the above Act would you please accept this letter in conjunction with the plans shown as formal notification of the development for the purpose of your Register of Planning Applications and Decisions.

Approved Plan(s) numbered:

JN.639669.0Z0701A - Site Location Plan, JN.639669.0Z0710B - General Site Layout Wastewater Treatment Works, JN.639669.0Z0711B - Proposed Wastewater Treatment Works Outside Elevations, JN.639669.0Z0712B - Proposed Wastewater Treatment Works Inside Elevations Sheet 1 of 2, JN.639669.0Z0720A - MCC Kiosk, PJC-0803-001 Rev F - Landscape General Arrangement Plan, PJC-0803-002 Rev F - Landscape Detailed Planting Plan, JN.497392.0Z0711A - Pumping Station General Site Layout, JN.497392.0Z0713A - Kiosk and Plinth Plan and Section, JN.497392.0Z0713B - Proposed Wastewater Treatment Works Inside Elevations Sheet 2 of 2, JN.497392.1C2901F - Layout of Intermediate Pumping Station Sheet 1 of 3, JN.497392.0Z0712 Rev B - New Intermediate Pumping Station Landscape Plan, JN.497392.0Z0714 Rev B - Intermediate Pumping Station Elevations

Yours sincerely

*Edward Sheath*

Edward Sheath

Head of Planning and Environment

T: 01273 481846

E: Development.control@eastsussex.gov.uk

Copies to: Planning Liaison Officer - Environment Agency – for Information

 Mr Awdry, Southern Water Services Limited - Agent



**EAST SUSSEX COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015**

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To Mr Awdry

Southern Water Services Limited

Southern House

Yeoman Road

Worthing BN13 3NX

**County Ref No**. RR/825/CM

**District Ref No.** RR/2019/1666/CM

In pursuance of the powers delegated to me by the Governance Committee on behalf of the County Council on 3 July 2012 and having received a signed variation to the S106 Agreement previously dated 13 March 2015 and the S278 Agreement dated 20 December 2015 signed on 5 February 2020 I hereby GRANT PLANNING PERMISSION for the proposed variation of Conditions 2 (Approved drawings) and 3 (Landscaping) of planning permission RR/728/CM. Land to the south of New Cut and land to the south of Solomons Lane, Mountfield. in accordance with your application validated by the East Sussex County Council on 4 July 2019 and the plans and particulars submitted in connection therewith and subject also to due compliance with the condition(s) specified hereunder:-

1. The development hereby permitted shall be carried out in accordance with the drawings listed in the Schedule of Approved Plans.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The development shall take place in accordance with the approved details under Condition 3 (Landscaping) of planning permission RR/728/CM as set out in the letter from East Sussex County Council to Paris Smith dated 7 December 2015 and shall include the following:

1. Drawings PJC-0803-001 Rev F and PJC-0803-002 Rev F as replacements for Drg No. 5105602/WA/511 Rev C (Treatment works site);

2. Drawings JN.497392.0Z0712 Rev B and JN.497392.0Z0714 Rev B as replacements for Drg No. 5105602/WA/510 Rev B (Pumping station site); and

3. Cotoneaster sp. to be replaced with Cornus sanguinea as part of the planting scheme at the treatment works site.

The approved details shall be implemented in full.

Reason: To secure appropriate landscaping at the site in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

3. Any trees, shrubs or other plants which are planted as part of the landscaping requirements which within a period of five years die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To secure appropriate landscaping at the site in the interests of the amenity of the locality and the landscape character of the AONB, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

4. No machinery shall be operated, no process shall be carried out and no deliveries taken to or despatched from the development sites on land off Solomon's Lane and New Cut during the period of construction other than between the hours of 07.30 to 18.30 Mondays to Fridays inclusive and 07.30 to 13.00 on Saturdays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport. There shall be no working at these sites on Sundays or Bank and Public Holidays, unless otherwise agreed in writing with the Director of Communities, Economy and Transport.

Reason: To safeguard the amenity of persons in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

5. The development shall be carried out in accordance with the Construction Management Plan, dated 27/08/2014, and other documents approved under Condition 6 (Traffic Management) of planning permission RR/728/CM as set out in the letter from East Sussex County Council to Paris Smith dated 7 December 2015.

Reason: In the interests of highway safety and the amenity of persons in the locality, in accordance with Policies WMP25 and WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

6. The new access from Solomon's Lane to the treatment plant shall be undertaken in the position shown on submitted Drawing No. JN.639669.0Z0710 Rev B (formerly Drg No. 121874-C-800011 A under planning permission RR/728/CM) and shall be constructed and laid out in accordance with the HT407 diagram attached to planning permission RR/728/CM and all works undertaken shall be executed and completed with the agreement of the Highway Authority.

Reason: In the interests of the safety of persons and drivers of vehicles entering and leaving the access and using the highway, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

7. The proposed gate at the new access to the treatment works off Solomon's Lane shall be positioned at least 10 metres back from the edge of the highway.

Reason: To enable a vehicle to wait clear of the highway while the gate is being operated in the interests of highway safety, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

8. The proposed parking and turning areas shall be provided in accordance with the submitted Drawing No. JN.639669.0Z0710 Rev B (formerly Drg No. 121874-C-800011 A under planning permission RR/728/CM) and the areas shall thereafter be retained for those uses and shall not be used other than for the parking and turning of motor vehicles.

Reason: In the interests of the safety of persons and drivers of vehicles entering and leaving the site and using the highway, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

9. The proposed lay-by off New Cut shall be carried out in the position shown on submitted Drawing No. JN.497392.0Z0711 Rev A (formerly DrgNo. 5105602/WA/503 Rev A under planning permission RR/728/CM) and laid out and constructed in accordance with the specification agreed with the Highway Authority and all works undertaken shall be executed and completed by the applicant and agreed with the Highway Authority.

Reason: In the interests of highway safety, in accordance with Policy WMP26 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

10. All construction activities shall be managed in accordance with British Standard 5228-1: 2009 (code of practice for noise and vibration control on construction and open sites - Part 1: noise) or such updated British Standard as may be issued in place of British Standard 5228-1: 2009.

Reason: To ensure that the relevant British Standard trigger levels are not exceeded in the interests of protecting the amenity of persons in the locality, in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

11. At all times the noise rating level of the pumping station off New Cut and the wastewater treatment works off Solomon's Lane shall be at least 10dB below existing background noise levels as measured in accordance with British Standard 4142:2014 (Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas) and at the nearest residential properties to the pumping station and wastewater treatment works.

Reason: In the interests of protecting the amenity of persons in the locality in accordance with Policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

12. The development shall be carried out in accordance with the details approved under Condition 14 (Minimising effects on wildlife) of planning permission RR/728/CM as set out in the East Sussex County Council letter to Paris Smith dated 7 December 2015.

Reason: To protect the wildlife interest, in accordance with Policy WMP27 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013.

SCHEDULE OF APPROVED PLANS

JN.639669.0Z0701A - Site Location Plan, JN.639669.0Z0710B - General Site Layout Wastewater Treatment Works, JN.639669.0Z0711B - Proposed Wastewater Treatment Works Outside Elevations, JN.639669.0Z0712B - Proposed Wastewater Treatment Works Inside Elevations Sheet 1 of 2, JN.639669.0Z0720A - MCC Kiosk, PJC-0803-001 Rev F - Landscape General Arrangement Plan, PJC-0803-002 Rev F - Landscape Detailed Planting Plan, JN.497392.0Z0711A - Pumping Station General Site Layout, JN.497392.0Z0713A - Kiosk and Plinth Plan and Section, JN.497392.0Z0713B - Proposed Wastewater Treatment Works Inside Elevations Sheet 2 of 2, JN.497392.1C2901F - Layout of Intermediate Pumping Station Sheet 1 of 3, JN.497392.0Z0712 Rev B - New Intermediate Pumping Station Landscape Plan, JN.497392.0Z0714 Rev B - Intermediate Pumping Station Elevations

The policies relevant to this decision are:

East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan 2013: Policies: WMP10 (Management of waste water); WMP23a (Design principles); WMP25 (General amenity); WMP27 (Environment).

Rother Local Plan Core Strategy 2014: Policies: OSS4 (General development considerations); RA3(v) (Development in the countryside); EN1 (Landscape stewardship); EN5(ix) (Biodiversity and green space).

National Planning Policy Framework (NPPF) 2019

The NPPF is a material consideration in the determination of planning applications but does not change the status of the Development Plan as the starting point in decision making. Parts 12 (Achieving well-designed places) and 15 (Conserving and enhancing the natural environment) are relevant.

High Weald Management Plan 2019

In broad terms, the Plan defines the natural beauty of the AONB and identifies the key landscape components of the High Weald. It then sets objectives for these components and identifies actions that could conserve and enhance the AONB.

For Note

In determining this planning application, the County Council has worked with the applicant and agent in a positive and proactive manner. The Council has also sought views from consultees and neighbours and has considered these in preparing the recommendation. This approach has been taken positively and proactively in accordance with the requirement in the NPPF, and as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

**Signed: *Edward Sheath***

Edward Sheath

Head of Planning & Environment

**Date: 5 February 2020**

**All enquiries should be addressed to:**

Director of Communities Economy and Transport,

Communities Economy and Transport Department,

County Hall, St Anne's Crescent,

Lewes, East Sussex, BN7 1UE.

**IMPORTANT** - Please read notes attached.

Copies to: Planning Liaison Officer - Environment Agency - for information

 Ms K West – Rother District Council for Statutory Planning Register

dncmgrad.doc

**NOTIFICATION AS REQUIRED BY THE TOWN AND COUNTRY PLANNING ACT 1990 (DEVELOPMENT PROCEDURE) (ENGLAND) ORDER 2010**

**Appeals to the Secretary of State**

o 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.

o If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at www.planningportal.gov.uk/pcs.

o 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.

o 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 it imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

o In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by the Secretary of State.

**Purchase Notices**

o If either the local planning authority or the Secretary of State refuses planning permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor can the owner render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

o In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase the owner’s interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

NOTES

(1) This permission does not purport to convey any approval or consent which may be required under the Town and Country Planning Act, 1990, otherwise than under Section 70-76 or which may be required under any other Acts, including any Byelaws, Orders or Regulations made under such other Acts: e.g. Building Regulations approval may be required from the relevant District/Borough Council for the construction of a building granted planning permission by East Sussex County Council.

(2) Developers are reminded that the grant of this permission does not permit the obstruction of a right of way and that, if it is necessary to stop up or divert a public right of way to enable the development to be carried out, they should apply without delay:-

 (a) in the case of a footpath or bridleway, to the County Council for an order under Section 257 of the Town and Country Planning Act, 1990;

 (b) in any other case to the Secretary of State for an Order under Section 247 of the Town and Country Planning Act, 1990.

(3) The applicant is recommended to retain this form with the title deeds of the property.

(4) The grant of planning permission under Section 73 of the Town & Country Planning Act does not prevent the implementation of the previous planning permission, subject to the previous conditions.

 **IMPORTANT**

Any failure to adhere to the details of the plans hereby approved or to comply with any conditions detailed in this notice constitutes a contravention of the provisions of the Town and Country Planning Act, 1990, in respect of which enforcement action may be taken.

If it is desired to depart in any way from the approved proposals, you should consult the East Sussex County Council’s, Planning Policy & Development Management Team, Communities Economy and Transport Department, County Hall, St Anne’s Crescent, Lewes, East Sussex BN7 1UE before carrying out the development.

Ref: Policy:dn-notes